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Virginia (Colony) Council

EXECUTIVE JOURNALS

OF THE

Council *of* Colonial Virginia

Vol. III

(May 1, 1705—October 23, 1721)



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PREFACE

The text of this volume (Volume III of the "Executive Journals of the Council of Colonial Virginia") has been obtained from two sources—the British Public Record Office and the Archives Department of the Virginia State Library. To bottom of page 31 the material has come from the British Public Record Office; from that point to bottom of page 67, from the Virginia State Library; then to bottom of page 69, from the Public Record Office; the rest of the book, up to the appendix, from the Virginia State Library. All the material in this appendix is from the British Public Record Office. It consists, with the exception of one or two remnants of General Court proceedings, altogether of proclamations.

The proclamations in the first two volumes of the series—obtained exclusively from the British Public Record Office, as was the text of all the journals in those volumes—were printed in the body of each book intermingled with the journals; and this order of printing has been followed in the present volume through page 69. It was found necessary at that point (or at least convenient) to reserve the proclamations for the end of the book, because the printers, working on "copy" supplied from the Virginia State Library, got far ahead in date of the "copy" for the proclamations, supplied from England. The changed order of printing, however, results in no confusion, since each of the proclamations is dated, and the index connects it clearly with the entries in the journals in reference to it.

The Virginia State Library's source of "copy" consists of two large manuscript volumes containing proceedings of the Council from September 4, 1705, to October 23, 1721. These two volumes were originally only one. It was, however, so very unwieldy that when recently, because of its dilapidated condition, it had to be repaired by the silk gauze process and rebound, it was made into two. The first page of the book has long been missing. Only part of the proceedings for September 4 is preserved. In the same way the page containing the latter part of the proceedings for October 23, 1721, has been torn out. For the earlier date the deficiency has been supplied from England, but unfortunately no copy of the proceedings for the latter date exists there, it being one of the very few now missing. The proceedings for October 23 appear in this volume, accordingly, printed only in part. The page torn out probably contained, too, the proceedings for October 24, if there was a meeting on that day, for the next proceedings preserved are those for October 25, contained in a large, well preserved vellum-bound volume in the Virginia State Library with pages numbered consecutively from 1 to 512 and containing the proceedings through October 28, 1734.

The books containing the journals do not contain copies of the proclamations. The proclamations were, no doubt, all contem-

poraneously copied into some record book of the Council which has not survived. For copies of them now recourse has to be had to England, and by no means are copies of all of them to be found there. Whereas for the first twenty-five years or so after the order of January 14, 1679/80, that copies of the journals of the House of Burgesses and of the Council (acting both in its legislative and its executive capacity) and of all important papers coming into being in the conduct of the government of the Colony should be sent to England, copies of the proclamations were carefully included in the material offered in execution of the order, after that the colonial officials (the governors, the presidents of the Council, and the secretaries of the Colony) grew neglectful of these papers, merely sending copies of those they considered the most important. An examination of the volume in hand shows many omissions from the very beginning. For the years 1719, 1720, and 1721 there is no proclamation at all. It is not likely that copies of proclamations were sent to England and there lost. The explanation is, rather, that their importance as papers copies of which were to be sent over grew steadily less in the estimation of the authorities. And rightly so; for the assurance given by the journals that such and such proclamations were prepared and published was usually amply sufficient for the officials in England whose duty it was to pass in review the transactions of the officials in Virginia. They were content to read them by title as it were. So far as students of Virginia colonial history are concerned, however, this attitude is rather regrettable. Though the loss of these papers is not a calamity, still the student would be greatly pleased to have them. Despite their verbiage and the fact that many of them were practically duplicates, the dates being changed, those that remain amply repay attention. They set forth much more clearly than do the journal entries in reference to them the necessity for them and reveal their exact nature.

After Spotswood's time copies of them become fewer and fewer in the British Public Record Office. In succeeding volumes of this series such of them as can be found—and that will be, in the view of the editor of the present volume, practically all that were sent over—will be printed. These proclamations were, as was pointed out in the preface of volume 2 of this series, issued by the governor or the president of the Council in the governor's absence, but usually after consultation with the Council. They were actions of the Council as well as of the governor, taken on important matters, and supplement the journals. Hence their publication with the proceedings of the Council is warranted.

In order to find out whether from Sept. 4, 1705, the first date of the proceedings contained in the Virginia State Library's manuscript volumes of executive Council journals, copies of all proceedings of the Council (instead of copies of the most important items only, such as for some years after the order of January 14, 1679/80, were accustomed to be made—see "Executive Journals of the Council of

Colonial Virginia," vol. I, p. vi) were regularly sent to England, transcripts of these copies for Sept. 4, 5, 6, and 7 have been obtained and compared with the text of this volume. It has been found that beyond a doubt full copies of the proceedings were sent over. The spelling, punctuation, capitalization, and method of abbreviation show a few variations and one or two words are different, but in only one case is the sense different. Instead of the "deal plates" (meaning planks or boards) of the first line of the last paragraph on page 31 of this volume the transcript from the British Public Record Office has "dial plates," which in this connection does not mean anything. It is a manifest error, made either by the original assistant clerk doing the copying or by the present-day transcriber. The copies sent to England undoubtedly had a few mistakes in them—see preface of vol. II of the "Executive Journals of the Council of Colonial Virginia," pp. vi and vii for some discussion of this matter—and a few mistakes may be made by transcribers of these copies. Manifestly the only safe thing to do is always to go to the original if possible, and this, fortunately, it has been possible to do so far as the greater part of the present book is concerned.

The notes in the prefaces of the two preceding volumes on the peculiarities of the language used should be consulted by the reader of the present volume. Attention is also called to the following special peculiarities appearing in this volume and a few typographical errors discovered in the process of indexing:

1. P. 61, l. 10: "paroled out" means promised.
2. P. 70, l. 11: "affects" should be "effects."
3. P. 131, l. 41: "relations" should be "resolutions."
4. P. 134, l. 14: "confirm" should be "confine."
5. P. 187, l. 17: "repeating" should be "repealing."
6. P. 292, l. 10: "concerned" should be "concerted."
7. P. 439, l. 26: "enreach" should be "encroach."
8. P. 586, l. 21: "rappaices" is in the original. It is intended, probably, for "ravages."

Executive Journals *of the* Council *of* Colonial Virginia

(From the Public Record Office, London, Colonial Office,
Class 5, Vol. 1405.)

May the first 1705

Present

His Excellency

John Lightfoot
Robert Carter
John Custis
Philip Ludwell

William Basset
Henry Duke
John Smith
John Lewis Esq^{rs}

His Excell^{cy} caused to be read a Speech which he intended to make to the House of Burgesses, Concerning the Complaints made ag^t him for Mal-administration and declared that such of the Gentlemen of the Council as please may stay & hear it spoken to the Burgesses, and such as will not may go away.

John Lightfoot, Robert Carter & Philip Ludwell Esq^{rs} desired to know whether his Excell^{cy} asks the advice of the Council if the Speech just now read shal be given to the House of Burgesses.

To which his Excell^{cy} made answer that he thought what he said upon y^e reading of the Speech was an answer to that question.

May the 3^d 1705

Present

His Excellency

John Lightfoot
Robert Carter
Jn^o Custis
Philip Ludwell

William Basset
Henry Duke
Jn^o Smith
Jn^o Lewis Esq^{rs}

His Excellency communicated to the Council part of a Letter from a Gentleman in Philadelphia dated the 16th of April last, advising that they have an acco^t from Antegoa that there are 27 Privateers fitted out at Martinico, three of which were appointed to cruise between Virginia & New England, and asking the advice of the Council what is necessary to be done therein; It is the opinion of the Council that Captain Matthew Teate Commander of her Majestys' Ship Strombulo be advertised thereof that he may pursue the orders he has from his Royal Highness for cruising so far as he shal find it for her Majestys Service.

And upon consideration what further was necessary to be done for securing the trade against the said Privateers, it was proposed by his Excellency, and agreed unto by the Council that the said Letter be sent to the House of Burgesses for their advice therein.

Upon reading the Petition of Coll^o Randolph & M^r Rich^d Bland Trustees to the Estate of the hon^{ble} Coll^o W^m Byrd deceased late Auditor of Virginia praying that forasmuch as the said Coll^o Byrd had performed several services in selling the Q^trents and taking Bonds for y^e same, since the passing his last acco^{ts}, that therefore a proportionable part of y^e Sallary may be allowed to his Son & Executor; It is the Opinion of the Council & accordingly

Ordered that the said Trustees exhibite an acco^t of the particular services done by the said deceased M^r Auditor Byrd, and what they claim for y^e same that this Board may be better enabled to judge what is justly due therefore.

Upon reading a Petition of Richard Bailie & others Owners of the Tyger of Bristoll Cap^t Jn^o Hort Commander, setting forth that the said Owners had obtained her Majestys order that the said Ship should sail from Virginia to England notwithstanding any Embargo, and sent copys of y^e same to the said M^r by several Conveyances. That upon advice thereof the said Master sailed from hence without taking up his Bonds for not sailing without Convoy, and since the said Hort did not sail away out of any Contempt of authority, but only for the preservation of the Ship and Lading, which was in danger of perishing if he had staid for a Convoy; they therefore pray that no advantage may be taken of y^e said M^{rs} Bond and that y^e same may be cancell'd.

It is the opinion of the Council, that the said Hort having sailed away without Convoy during the time of an Embargo, and as it appears before he had received her Majestys Leave abovementioned, has thereby forfeited his Bonds, and that it is not in their Power to remitt the Penalty or cancell the said Bond.

It being represented that Coll^o Miles Cary Naval Officer of York District hath in his hands Cap^t Horts bills of Exch^a for the Virginia dutys of the Ship Tyger of Bristoll; and that Coll^o Gawin Corbin Naval Officer of Rappahannock River hath bills of Exch^a for the dutys of the Ship Europe of Whitehaven Cap^t Matthew Gale Com^{der} who sailed out of this Colony last Summer without Convoy. It is Ordered that the Clerk of the Council call on the said two Naval officers for the said Bills to be accounted for to her Majesty.

The Petition of Edmund Godwin late high Sherif of Nansemond County being read praying that her Majestys moiety of a fine of fourty pounds for making a false Return on a Writt for Election of a Burgess to serve for the s^d County of Nansemond, may be remitted. His Ex^{cy} was pleased to reject the s^d Petition, the sum prayed to be remitted being greater than is allowed by his Instructions.

The several Petitions of M^r Joseph Jn^o Jackman Sherif of Surry County and Major William Bridger, Sherif of Isle of Wight County being read praying that they may be allowed for their extraordinary trouble & charge in collecting her Matys dues on the Southside of

the Blackwater Swamp within the said Countys, the usual Sallary not half paying the charge of making the Tobacco convenient. His Excell^{cy} was pleased to declare that if there be any fines or forfeitures in the said Countys, he would grant them unto the s^d Sherifs for reimbursing their charges and trouble, having no other way to compensate the same.

May the 5th 1705

Present

His Excellency

Jn^o Lightfoot
Rob^t Carter
Jn^o Custis
Philip Ludwell

W^m Basset
Henry Duke
Jn^o Smith
John Lewis Esq^{rs}

A Petition of several Masters of Ships in York River praying Leave to sail for England with her Majestys Ship Strombulo, being read, and this Board being informed that others intend to Petition for y^e same liberty, It is the opinion of the Council that y^e consideration of the said Petition be referred till the other Petitions be presented and then y^e whole matter be laid before the House of Burgesses.

Upon reading the Report of the Persons appointed to survey her Maj^{ties} Sloop Elizabeth, It is the opinion of the Council and accordingly

Ordered that Coll^o W^m Randolph & M^r Rich^d Bland be im-powered to sell and dispose of the said Sloop to the best advantage & render an acco^t of the proceed thereof to his Excell^{cy} & y^e Council.

Coll^o Custis's claim for his Sloop three weeks with three men employed in carrying a pacq^t over the Bay, w^{ch} came from Pensilvania directed to his Excell^{cy} for her Matys Service, being considered by the Council, and his Excell^{cy} informing the Council that y^e said pacq^t was sent by the Lords Comm^{rs} for Trade by the way of New York, and it appearing that y^e s^d Service was performed last winter in very bad weather whereby the Sloop was detained so long. The s^d Coll^o Custis is allowed for y^e same Eight Pounds Sterling. And ordered that y^e Clk of the Council pay the same to him & place it to y^e acco^t of Contingent charges.

The Claim of Cap^t Henry Royal for three Pounds for sev^{ll} charges about Surveying Point Comfort Island being examined is allowed by his Excell^{cy} & the Council, and ordered to be paid by the Clerk of the Council & placed to y^e acco^t of Contingent charges.

Ordered that the Clerk of the Council write to M^r W^m Lowry who surveyed Point Comfort Island that he send up his acco^t for that Service, and that y^e same be paid in Tobacco next year according to Law.

Ordered That an Advertisement be set up on the Capitol Gate that Point Comfort Island containing 1160 acres of Land is to be Leased by his Excell^{cy} & the Council to any Person that shal offer most for y^e same and that the Platt & Survey thereof are to be seen at the Council Office.

May the 7th 1705

Present

His Excellency

Jn^o Lightfoot
Rob^t Carter
Jn^o Custis

Philip Ludwell
Jn^o Smith Esq^{rs}

Upon reading an order of the Queen's most Excellent Majesty in Council dated the 12th of February 1704 directing that the Ship Level be permitted to return from Virginia when the Master & Owners shal think fitt without being detained by Embargo

Ordered that the Collector & Naval officer of York River where y^e said Ship now rides have notice thereof, and that they clear the said Ship whenever application shal be made for the same.

May the 9th 1705

Present

His Excellency

Jn^o Lightfoot
Rob^t Carter
Jn^o Custis
Ph: Ludwell

W^m Basset
Henry Duke
Jn^o Smith
Jn^o Lewis Esq^{rs}

His Excell^{cy} acquainted the Council that the House of Burgesses had ordered the Records of their House, and of the Secretarys office to be removed to the Capitol, and proposed to the Council whether they will have the Council Records removed likewise. Whereupon it is

Ordered that the Clerk of the Council take care to remove all the Records belonging to the Council office from the College, unto the Room appropriated for them in the Capitol with all convenient speed.

May the 10th 1705

Present

His Excellency

Jn^o Lightfoot
Robert Carter
Jn^o Custis
Philip Ludwell

Henry Duke
John Smith and
John Lewis Esq^{rs}

Major Peter Beverley Treasurer of the Impositions on Liquors, Serv^{ts} and Slaves made Oath before his Excell^{cy} in Council to his acco^{ts} of y^e s^d Impositions to this time.

May the 11th 1705

Present

as yesterday

Upon consideration of the Claime of Edward Ross for carrying some Packets from the Lords Comm^{rs} for trade sent by the Strombulo (for the Governors of Maryland, New York and New England) to Annapolis being out fifty three days, in all the Snow & Frost in December, January and part of February. The Council being sensible of the difficultys of the s^d journey, and the badness of the weather do allow fifteen Pounds in full for y^e s^d Service, and ordered that the s^d Ross be paid by the Clerk of y^e Council who is to place it to y^e acco^t of Contingent charges.

The Claim of M^r Jn^o Freeman for carrying the pacq^{ts} w^{ch} came in the Strombulo from the Lords Comm^{rs} for trade for the Gov^{rs} of New York & New England from Annapolis to Philadelphia being out days in the frost & Snow in winter Being considered by his Ex^{cy} and the Council, and it appearing by the acco^t exhibited that by sev^l accidents he expended the articles charged in y^e s^d acco^t being twenty nine Pounds, he is therefore allowed the said acco^t w^{ch} the Clerk of y^e Council is ordered to pay unto the s^d Freeman & place it to y^e acco^t of Contingent charges.

May the 12th 1705

Present

His Excellency

John Lightfoot
Robert Carter
John Custis
Philip Ludwell

Henry Duke
John Smith and
John Lewis Esq^{rs}

Pursuant to a Clause in y^e Act past this Session of Assembly concerning the Nansiatico Indians, the several Indian children hereafter named (being all y^e Children under 12 years of age belonging to that Nation) were brought before his Excellency in Council, and their ages adjudged, and afterwards distributed as follows

To his Excellency, Simon ten years of age
Little Jack six years
Betty ten years
Little Betty nine years

The other nine being distributed amongst the Council by Lott, their names & ages are as follows viz

To Jn^o Smith Esq^r an Indian Boy named Jack adjudged six years of age.

To Jn^o Lewis Esq^r an Indian boy named Charles adjudged at five years of age.

To Jn^o Lightfoot Esq^r a Girle named Nanny adjudged at ten years of age.

To W^m Basset Esq^r a Girle named Moll adjudged at Eleven years of age.

To Hen: Duke Esq^r a Girle named Little Nanny adjudged at three years of age.

To Jn^o Custis Esq^r a Girle named Kate adjudged one year old.

To Robert Carter Esq^r a Boy named Ben, adjudged to be a year & a half old.

To Benj^a Harrison & Philip Ludwell Esq^{rs} one Girle named Lizy adjudged to be one year old and one Girle named Janie adjudged to be nine moneth old.

Ordered that the Clerk of the Gen^l Assembly prepare Indentures for the above children to serve their respective Masters or their assigns for the time prescribed by the afores^d act of Assembly.

His Excellency acquainted the Council that in case the London Fleet should arrive this Summer, and brought any orders from England w^{ch} he expected, he should be obliged to call an Assembly, and therefore asked the advice of the Council, what time may be most proper for the Assembly to meet again after this prorogation. It is the opinion of the Council that the moneth of August is the soonest they can be called. But rather that their meeting be further delayed, considering that it is usually a very sickly Season, unless absolute necessity requires it. His Excell^{cy} did thereupon declare he would prorogue the Assembly to the 2^d of August, but did not intend to call them together then unless necessity required it.

Upon consideration how the money arising by the Q^trents shall be disposed of, It is ordered that the Clerk of the Council remitt all the Bills of Exc^a he has received on that acco^t to M^r Micajah Perry & Company Merch^{ts} in London, there to be lodged for the use of her Maty. And that he desired the said M^r Perry & Comp^a to keep an acco^t thereof in his Excell^{cy}s name for her Matys use, and that the first Bill be sent by her Matys Ship Strombulo & the second by some other man of war.

His Excellency proposed to the Council, that since they had the trouble of auditing & passing the acco^{ts} of Her Matys Revenue, he would write to England that the Auditors Sallary may be allowed to them to be divided among them in consideration of their trouble. His Excell^{cy} was further pleased to declare that in case there be not money enough to pay all the annual Sallarys (the Revenue of two Shillings per hh^d this last half year being very small) he would advance what shall be wanting.

Ordered that the Clerk of the Council prepare the acco^{ts} of her Matys Quittrents and two Shillings per hogsheads &c and lay the same before the Council to be examined & passed next meeting of the Council.

Upon reading a Resolve of the House of Burgesses upon the Petition of Coll^o James Taylor for leave to go out on a discovery on the Back parts of King & Queen County

Ordered, that the s^d Coll^o Taylor give his Ex^{cy} an acco^t of the time he intends to set out on y^e s^d discovery and what force he intends to take along with him before he obtain any Licence for going out.

His Excell^{cy} communicated to y^e Council one of her Matys Royal Instructions to him bearing date the 12th day of Decem^r 1702 in these words, "You shal not permitt any act or order to pass in our said Colony whereby the price or value of the Current Coin within yo^r Governm^t (whether it be forreign or belonging to our Dominions) may be altered without our particular Leave or directions for y^e same. And declared that he could not pass the Act for settling & ascertaining the current Rates of forreign Coines, because it would be contrary to the s^d Instruction so to do but if the Council think fitt he would send a copy thereof to her Majesty for her directions therein. The Council are of opinion that since his Excell^{cy} cannot give his assent to y^e Act, he may if he pleases send a copy of y^e Act to England for her Ma^{ty}s directions therein.

On consideration of the Claim of Col^o Rice Hoe for going from his own house to Portobacco in Maryland by order of his Excell^{cy} to gain intelligence concerning y^e Indians and sending his Boat & hands twice over Potomack River to bring lett^{rs} from the Governor of Maryland concerning y^e Indians Ordered that he be paid three Pounds Sterling in full for y^e s^d Service.

At a Council held at her Majestys Royal College
of William & Mary May the 30th 1705

Present

His Excellencie

Robert Carter
Philip Ludwell
W^m Bassett

John Smith
John Lewis Esq^{rs}

A Letter from John Lightfoot Esq^r excusing his absence from this Council by reason of urgent business was read in Council.

A Letter from Henry Duke Esq^r excusing his absence from this Council by reason of his indisposition was read in Council.

His Excellency communicated to y^e Council the several following Letters viz a lett^r from his Ex^{cy} Coll^o Seymour Gov^r of Maryland dated the 23^d of April last, with a lett^r from Coll^o Evans Lieu^t Governor of Pensilvania dated the 12th of the same moneth (w^{ch} came inclosed in the aforesaid lett^r from Coll^o Seymour) giving an acco^t that several French Privateers fitted out at Martinico were designed to Cruise on these Coasts. A copy of a lett^r from Antego the 26th of February last written by one James Spencer a M^r of a Vessel (who was taken by a French Privateer and carryed into Martinico) and directed to the Owners of y^e said Vessell wherein he informs them that there are twenty eight sail of Privateers fitted out at Martinico, and one of them a large Brigantine designed for these Coasts. Also a lett^r from his Excell^{cy} Coll^o Seymour Governor of Maryland dated the 4th instant purporting that they had a Rumor there that two Partys of Indians are gone & going from the Northward to fight the Christians in Virginia and Maryland w^{ch} sev^l Letters were read.

A Petition being presented to his Excell^{cy} & the Council by sev^l M^{rs} of Ships that will be ready to sail for England by the last of June.

under the Convoy of her Matys Ship Strombulo, praying that they may be permitted to sail with her Majestys said Ship at the aforesaid time. After reading of which Petition the several Masters of Ships were called in & heard, and being withdrawn, the Council took y^e said Petition into consideration, and finding it a matter of great difficulty thought fitt to delay the further consideration thereof till tomorrow morning.

Then the Masters of the Ships were called in, and his Excell^{cy} delivered to them her Majestys Instructions directing that no Ships sail hence without Convoy in time of war. A copy of Cap^t Teates Instructions from his Royal Highness and his Lett^r concerning his sailing, together with their own Petition, and acquainted them that the Council had delayed the consideration of their Petition till tomorrow, and if they had any further reasons to offer to them they should consider and present them tomorrow morning.

And then y^e Council adjourned till 6 oclock tomorrow morning.

May the 31st 1705

Present

The same as yesterday

Upon reading a Lett^r from his Excell^{cy} Coll^o Seymour Govern^r of her Matys Province of Maryland dated the 23^d of April last past with a lett^r from Coll^o Jn^o Evans Lieu^t Governor of Pensilvania of the 12th of y^e same moneth which came inclosed therein, giving advice that several French Privateers fitted out at Martinico are ordered to cruise on this Coast, which advice is also agreeable to a Lett^r from a Gentleman in Philadelphia communicated by his Excellency to the last General Assembly; and there having been also read a Lett^r from his Excellency Coll^o Seymour of the 4th instant intimating that there is a rumor that some Partys of Northern Indians have a design to fall upon the Inhabitants of Virginia and Maryland. This Board taking into consideration the danger this Country may be exposed to, if it should be attacked by the Privateers by Sea and at ye same time by the Indians at Land; and that if Captain Matthew Teate Commander of her Matys Ship Strombulo should sail for England the tenth of June next as he proposes in his lett^r to his Excell^{cy} of the 14th of April, this Country will be left defenceless towards the Sea, and the Privateers may not only easily land & burn & plunder the Plantations but also attack the Ships in the very River & Ports. It is the opinion of the Council that it is very much for her Majesty's interest & Service & necessary for the defence of this Country and the Security of the Ships trading here & in Maryland that her Majesty's said Ship be stop'd during this time of danger, and that Captain Teate if he agree to stay be desired to cruise according to his orders from his Royal Highness w^{ch} will be of great Service for protecting the Ships that may happen to be coming in here, and be a means to check the insolence of those Privateers, and discourage them from the like attemp^ts on this Coast for the future. And therefore desire that his

Excellency will issue his orders to Captain Teate Commander of her Matys s^d Ship to stay till the 10th day of July next, w^{ch} is but ten days longer than the time he at first proposed for his sailing, and but a moneth longer than he proposes now And because Cap^t Teate in his aforesaid Letter intimates that the shortness of his Provisions obliged him to sail sooner than he first intended. It is the opinion of the Council that Captain Teate be desired to furnish himself with as much Provisions in the Country as may be sufficient for the time he stays here, and that what money is necessary for purchasing the said Supply of Provisions be advanced to him out of her Matys Revenue of 2^s per hogshead &c. The Captain and his Purser giving a receipt & Certificates for what money shal be advanced to them on this occasion.

His Excellency was pleased to acquaint the Council that according to their desire he would go and discourse Captain Teate on the matters proposed by the Council, and as for the money, her Majesty's Revenue of two Shillings per hogshead falling short this half year, and no money in Bank thereon, he will advance what money shal be necessary for purchasing the Provisions w^{ch} Captain Teate shal want, & either give the Captain Bills of Exch^a for the whole or pay the particular Persons of whom he buys his Provisions upon the Captains drawing notes on him for y^e same.

Whereas his Excellency hath received advice that several French Privateers fitted out at Martinico are ordered to cruise on this Coast, and hath received Letters from his Excellency Coll^o Seymour Govern^r of Maryland that there is a rumor there that diverse Northern Indians design to fall on the Inhabitants of Virginia and Maryland: It is therefore

Ordered that the Collonels & Commanders in chief of the several Frontier Countys as well towards the Sea as Land be very carefull and dilligent in observing and performing the several directions mentioned in the Act of Assembly for strengthening the Frontiers & discovering the Approaches of an enemy both by having the Troops & Companys under their commands in a readiness to oppose the enemy, and by dispatching speedy advice to his Excell^{cy} and the officers of the Militia in the adjacent Countys. And all other Coll^{os} & Commanders in chief & other officers of the Militia within this Colony are hereby required upon Information of any Invasion, or attempt made by an Enemy to be carefull in the execution of their dutys as by y^e said Act they are enjoyn'd

Ordered that the Commanders in Chief of the Countys of Elizabeth City, Princess Anne, Northampton and Accomack take especial care that the Persons appointed by them to look out to Sea, dilligently attend and performe that Service according to the directions of the Act of Assembly for strengthening the Frontiers and discovering the approaches of an Enemy.

Ordered that the Collectors and Naval Officers of the several Districts take care that a former order of this Board directing the places where the Ships are to ride in the several Rivers be forthwith complied with.

Ordered, that all Ships and Vessells bound for the West Indies or any of the Plantations on the Continent be Embargoed from & after the 20th of June next and that the Naval Officers & Collectors do not clear any Ship or Vessel bound to any of the said places after the s^d 20th of June untill further order.

Upon the request of several Masters of Ships riding in Rappahannock River that they may have leave to clear and sail to James River that being much more free from the danger of the worrne & more healthy for their men

Ordered, That the Collectors & Naval Officers of the several Districts have leave to clear any Ship or Vessel that has given an Embargo Bond & whose M^r is desirous to sail for James River for his greater safety.

The Masters of the Ships who Petitioned his Excell^{cy} & the Council yesterday for Leave to sail for England under Convoy of the Strombulo, this day presented another Petition containing their further reasons for desiring the said Permission.

The Council having considered the reasons offered by the Masters of Ships in their Petitions for Leave to sail with the Strombulo, and finding it a matter of great difficulty in respect of the Resolves of the Assembly made therein, and the acco^t they have of the like Resolutions taken by the Governor & Council of Maryland, are of opinion that it is necessary to have the advice of a fuller Council before any final determination be made therein. In the mean time they desire that (after his Excell^{cy} is certain that Cap^t Matthew Teate will stay till the 10th of July pursuant to the Resolutions of this Board) his Excell^{cy} will be pleased to communicate to the Governor of Maryland the Petitions of the Masters of Ships here, & Signify to him that if that Government think fitt to permitt their Ships to sail with the Strombulo, it will be a great inducement to the taking off the Embargo here.

Resolved, that a full Council meet here on the 26th of June next to consider of the Case of the Shipping now in the Country, that being as soon as an answer can be expected from Maryland, considering the uncertainty of meeting with Cap^t Teate to know his intentions.

His Excellency proposing to the Council to advise him what is proper to be done in case Captain Teate will not stay till the 10th of July. The Council are of opinion that if he do not, the giving him Credit for Provisions, sending to Maryland & the meeting of the Council the 26th June, this day agreed on, are unnecessary.

Then the Masters of Ships were called in, and the proceedings of Council for stoping the man of war, and also on their Petitions were read over to them, and his Excell^{cy} desired them to withdraw & consider if they had any thing further to offer, and after some time they returned & acquainted his Excell^{cy} & the Council that they had nothing further to say at present.

The Clerk of the Council produced the acco^{ts} of her Majestys Revenue of Quittrents for the year 1704 with the Compositions for Escheat Land received by him the ballance whereof due to her Majesty is £1669-11-4 Sterling, and the said acco^t was compared with

the Rent rolls of the several Countys, & the several articles examined by the Council.

Then the acco^t of the Revenue of 2^s per hh^d Port dutys and head money and of several Rights for Land sold this last half year ending the 25th of April last past, was produced by the Clerk of the Council, and examined with the particular acco^{ts} by the Council.

It appearing by the acco^{ts} of her Matys Revenue of two Shillings per hogsh^d &c this last half year that y^e same amounts only to £278-16-10 3/4, and that this half years Sallarys & allowance to the Ministers amount to £337-10-0 besides his Excell^{ty}s half years Sallary & House rent; His Excell^{ty} was pleased to declare that he will forbear what is due to him till the next half year and will advance £100 for clearing the other Sallarys, and that the Overplus be lodged in the Clerk of the Councils hands for paying Contingent charges. And accordingly his Excell^{ty} signed & delivered Bills of Exchange for y^e said One hundred Pounds to the Clk of the Council, w^{ch} said hundred Pounds being added to the acco^t of the 2^s per hh^d, there remains over & above the half years Sallarys and allowances to the Ministers charged in the said acco^t the Sum of fourty Pounds Six Shillings & ten Pence three farthings towards the defraying Contingent charges.

The Clerk of the Council exhibited the acco^t of Contingent charges paid by him since October 1704 amounting to y^e Sum of £114-17-11 and produced an Acco^t under the hand of Coll^o W^m Randolph one of the Trustees of the deceased M^r Auditor Byrds Estate whereby it appears that there remained in his hands at the time of his decease, for defraying Contingencys, the Sum of £141-18^s-8 1/2^d which Sum the Clerk of the Council owned that he had received from the s^d Trustees. Upon examination of which two acco^{ts} there is found due from the Clerk of the Council on ballance of the acco^t of Contingent charges, the Sum of twenty Seven Pounds and nine Pence half penny: which being added to y^e £40-6^s-10 3/4^d remaining over and above the Sallarys charged in the acco^t of the 2^s per hogsh^d &c makes in all Sixty Seven Pounds Seven Shillings & eight Pence farthing, which is ordered to be lodged in the hands of the Clerk of the Council for defraying the future Contingent charges of the Government.

Robert Carter Esq^r absent

Whereas Captain Matthew Gale Command^r of the Ship Europe of Whitehaven Entred in Rappahannock River in the moneth of April 1704 & by his Bond & obligation under his hand & Seal dated the 13th of y^e same moneth did bind himself his Heirs &c in the Sum of five hundred Pounds Sterling to her Maty not to depart this Colony after an Embargo laid by his Excell^{ty} the Governor untill permission should be given, Notwithstanding whereof the said Cap^t Matthias Gale did sail hence during the continuance of the Embargo and without Clearing with the Officers of the said District as appears by a Certificate under the hands & Seals of the said Officers now produced in Council whereby the said Bond is forfeited: It is ordered that the s^d Gales Bond be delivered to M^r Attorney Gen^l to consider

of y^e best method for recovery of t^{he} Penalty of y^e s^d Bond forfeited to her Majesty as aforesaid.

Ordered that the Collector & Naval Officer of York River deliver to M^r Attorney General the Bond given by Cap^t John Hort Master of the Ship Tyger of Bristoll that he may consider of the best method for recovering the Penalty of the said Bond forfeited to her Majesty by the said Horts sailing without permission during the time of an Embargo.

Whereas there are several Casual dues arising to her Maty within this Dominion by forfeitures of Penal Bonds granted to her Majesty, fines on Delinquents, Deodands and others, which by neglect of the Officers whose business it is to transmitt acco^{ts} thereof to y^e Secretarys office, do now turn to smal acco^t: It is

Ordered that the Sheriffs, Coroners, & Clerks of the respective Countys be, & they are hereby required to return to the Secretarys office a true & perfect acco^t of all fines, forfeitures, and other dues arising to her Majesty within their said respective Countys by the Laws of England or this Country to the end directions may be given for Levying and collecting y^e same. And it is further

Ordered that the Collectors & Naval Officers of the several Districts within this Colony, transmit to the Council Office all Bonds given by Masters of Ships or Vessels pursuant to the Act of Trade & Navigation, for the discharge of the Lading of such Ships or Vessells, that are or shal happen to be forfeited for default of returning a Certificate for the discharge of y^e s^d Bonds. And ordered that M^r Attorney Gen^l take care to prosecute for all fines, forfeitures and other dues arising to her Majesty as aforesaid.

Robert Carter Esq^r present

Upon the Petition of the Nansiatico Indians now in Prison praying that their Cloaths & other goods in the custody of several Persons in Richmond County may be delivered to them, they being willing that all debts due by them should be first satisfied out of y^e same; It is the opinion of the Council that the said Indians ought to have their said goods. And ordered that such goods as shal be remitted hither before the transportation of y^e s^d Indians, be delivered to them.

Whereas her Majesty by her Royal warrant under her Sign Manual-bearing date the Sixth day of March 1703/4 was pleased to grant that y^e Sum of Sixty Pounds Sterling should be paid yearly out of her Matys Revenue of Quitt Rents as an Additional Sallary to her Majestys Attorney Gen^l here to commence from the 8th day of March 1703/4: Upon the request of Stephens Thomson Esq^r her Majestys Attorney Gen^l, His Excellency and the Council are pleased to order that a Certificate be prepared to certify the most hon^{ble} the Lord High Treasurer That the said Additional Sallary is yet unpaid by reason of the death of her Matys Auditor here, and the vaccancy of one in that office on whom the warrant for such payments used formerly to be drawn. And that there is due to the said Stephens Thomson Esq^r on acco^t of y^e said Additional Sallary the 25th day of

April last past the Sum of £67-16-10 1/2 which is [sum] the most hon^{ble} the Lord high Treasurer is humbly requested to order out of the money lodged in the hands of Mess^{rs} Micajah Perry & Company Merchants in London on acco^t of her Matys Revenue of Quittrents.

John Smith Esq^r absent

Ordered that the Surveyor of Surry County be, & he is hereby directed with all convenient speed to lay out & Survey the several tracts of Land appropriated for the use of the Nattoway Indians pursuant to the Act of Assembly passed this last Session Entituled an Act concerning the Nansiatico & other Indians but if any dispute should arise between the said Surveyor & the Surveyor of Prince George's County, in w^{ch} of their precincts the s^d Lands ly, then y^e Surveyor of Surry County is not to proceed in laying out the said Land untill he receive further directions from this Board.

Ordered that the Surveyor of Nansemond County do with all convenient speed lay out & Survey the Land appropriated for the use of the Maherin Indians by an Act passed the last Session of Assembly Entituled an Act concerning the Nansiatico & other Indians according to the directions of the said Act

Ordered that M^r James Minge be desired to attend his Excell^{cy} & the Council on the 26th of June next in order to his being employed to take observations of the Latitude at the begining and course of the Line between this Government & North Carolina; that this board may be satisfied whether the Course of the s^d Line will cutt off any lands held by titles from this Governm^t.

His Excellency laid before the Council a Report of the late M^r Aud^r Byrd touching directions by him given to the Sherifs of the Countys bordering on North Carolina for the better recovery of the Quittrents from all Persons holding lands on those Confines and asked the advice of the Council whether it be proper to renew the like directions. It is the opinion of the Council that no Complaints being offerred of any Person holding lands there & refusing to pay the Quittrents, they see no cause at present for issuing any order in that matter.

Ordered that the Justices of the Peace of the Countys of Norfolk, Princess Anne and Accomack be required forthwith to make Return to y^e Council office of their proceedings on an Order of Council issued the 15th day of December last past pursuant to her Majesty's Commands for encouraging the production of Pitch & Tar in her Majestys Plantations.

His Excell^{cy} proposing to the Gentlemen of the Council whether they will have the Journal of the proceedings in Council in the time of the last Gen^l Court & Assembly now read over: The Council are of opinion that y^e reading thereof be referred till the meeting of a full Council w^{ch} is appointed the 26th of the next moneth.

Edward Ross Keeper of her Matys Stores at James City having this day exhibited an acco^t of the arms & ammunition delivered out by him by order of his Excell^{cy} & Council for the Service of the Militia: It is ordered that y^e said acco^t be lodged in the Council

office, and that the Commanders in cheif of the Countys who have received any of y^e said arms & ammunition be required to transmitt to the Council office an accompt how they have disposed of them, and that they remitt to his Excell^{cy} & the Council against the 5th day of next October General Court the Price of all such arms or ammunition as they have sold, in money or bills of Exchange.

Ordered that y^e Trustees of y^e Estate of the deceased M^r Auditor Byrd be required to render an acco^t to his Excell^{cy} & the Council what charges hath been paid by him in relation to the arms & ammunition sent in by her Majesty, what receipts were in his Custody for arms or ammunition delivered out, and what money he hath received by the Sale of any of y^e s^d arms & ammunition.

Upon the Petition of Edward Ross Keeper of her Matys Stores at James City, the s^d Edward Ross is hereby impowered & directed to cause the Powder barrells lodged in the Magazine there to be new hoop'd, & return an acco^t of y^e charge thereof to y^e Council office. And it is ordered that y^e s^d Edw^d Ross carefully look to y^e s^d Powder & the other Stores of war under his charge that none be spoiled or dammaged.

At a Council held at her Majestys Royal College of
William and Mary the 26th day of June 1705

Present

His Excellencie

John Lightfoot

Benjamin Harrison

Philip Ludwell

W^m Basset

John Smith

John Lewis Esq^{rs}

In pursuance of an order of Council of the 31st of May last past M^r James Minge Surveyor this day attended his Excellency and the Council, who acquainted him that being desirious to know whether the Line between this Government, and North Carolina, if run according to the Patent of the Lords Proprietors, may cutt off any Plantations held by titles from this Government. They proposed to him to take an observation at the mouth of Weyanoake Creek, now commonly known by the name of the Maherin River, and thence to proceed directly Westward in y^e Latitude of 36^d 30^m according to the course of the Proprietors Patent making his observations at two or three more places, where he thinks most convenient for discovering the course of y^e said Line; and desired him to withdraw & consider what assistance he may want for performing that Service. Whereupon the said M^r Minge withdrew and having taken a Memorandum from the Patent of the Lords Proprietors of Carolina returned with some proposals for his better accomplishing that Service: And it appearing that y^e s^d M^r Minge cannot proceed therein before next November. It is referred till October, Gen^l Court (when it is probable all the Gentlemen of the Council will be in Town) for consideration of such further directions as shal be found necessary for accomplishing the Service now proposed. In the mean time M^r

Minge is directed to keep secret the intentions of this Government in relation to y^e running the Course of y^e s^d Line: And for the better concealing thereof It is ordered that the Clerk of y^e Council do not issue the ord^r of Council of the 31st of May, to the Surveyor of Nansemond for laying out the Maherin Indians land till M^r Minge be ready to go out with him to take the aforesaid observation that the people of North Carolina may have no other Suspition than that these Surveyors are only going about laying out the Maherin Indians land.

Captain Charles Bartelot Commander of the Ship York Merchant by his Petition setting forth that the said Ship was a Transport from London to Lisbon and that in regard they were bound to a hott Country where there was plenty of wine, and where they could not so well accommodate y^e Ships Company with Beer as usual, his Owners obtained of the Comm^{rs} of y^e Customs an allowance of five Tunns of wine in his victualling bill, by virtue of w^{ch} allowance the Pet^r apprehended that he had liberty to take in wine at Lisbon for Stores for the Ships Comp^a and that at his arrival in York River he had three pipes of wine remaining of the Stores taken on board as afores^d and upon the officers of y^e Customs their searching the Ship he did report the said wine to be Laden on board at Lisbon, in order to be carryed for London, whereas they were taken in for Stores as aforesaid, by which report he has made himself incapable of making use of y^e said wine for his Ships Company for want of beer, And therefore prayes that he may not be obliged to carry the said wine to London but that he may have liberty to make use of y^e same here instead of beer for y^e Ships Company: It is the opinion of the Council that it is plain by the provision Bill allowed by the Customhouse that y^e s^d Cap^t Bartelot had liberty of taking in wine in stead of beer for his Ships Company on acco^t of his being bound to a hott Country where wine was easier to be had. And therefore that he be allowed to make use of it here for his Ships Company in stead of beer according to his Petition.

Coll^o Miles Cary Receiver of the Virginia dutys for York River District by his Petition setting forth that by an ord^r in y^e time of S^r Edm^d Andros's Governm^t all Ships were to pay Port dutys according to y^e Tunnage they were registered at. That y^e Ship Levet Cap^t Thomas Bagwell Commander hath ever since the Pet^r was officer paid for 440 Tunns according to her then Register; but the said Ship being lately transferred to other Owners, is now registerd only at 310 Tunns and therefore prays directions how the Tunnage shal be received. It is the opinion of the Council and accordingly Ordered that the Ship Levet pay Tunnage as she was formerly rated; but if the Owners think themselves aggrieved they may make application to the Lord High Treasurer, and his Lordships commands shal be observed.

Upon reading a Petition of the French Refugees at Manican town Complaining that y^e small quantity of Land allowed them is not sufficient for their Subsistance & range of their Stock and praying that the 50 acres of Land per pole allowed them by his late Majesty King William may be laid out for them. And a Lett^r from Coll^o

Randolph containing the present State of y^e s^d Refugees being also read

Ordered that y^e Land allotted for the said Refugees by the Gen^l Assembly be laid out and apportioned amongst them (if not already done) according to the directions of the General Assembly, and if they think that quantity too little they may make application to y^e Assembly for a greater.

M^r John Baylor of King and Queen County in name of himself and diverse other Gentlemen intending to go on their own costs and charge as Adventurers on a discovery to y^e Westward of the Inhabitants of this Colony, presented to his Excell^{cy} in Council several Rules proposed & agreed on by them for the better effecting the said discovery, and prayed Leave for their going out accordingly, which propositions were read, and his Excell^{cy} & y^e Council being willing to encourage so good a design, do agree that Leave be given to the Subscribers of y^e said proposition now presented to go out on the said intended Discovery with the following Proviso's and Directions viz That the number of y^e said Adventurers to go out on the said discovery be not less than thirty besides their Servants & attendants. That every one of y^e s^d Adventurers be provided with a Gun, Sword, & tomahawk, a pair of Pistols, three Pounds of Powder and a proportionable quantity of Shott or bullets.

That the said 30 Adventurers be modelled into a Troop. That out of the said number they shal choose one fitt and well qualified Person to be their Captain, another fitt Person to be Lieuten^t who may be capable of succeeding in the cheif com^d in case of the death of the Captain, and likewise one other for Cornett who in case of the death or advancement of y^e Lieuten^t shal succeed as Lieutenant of the Troop. That y^e s^d officers shal receive Commissions from his Excellency & Instructions for their better & more regular proceedings in their March. That in case any controversy arise in the said Troop as to their March or proceedings they shal be determined by the opinion of y^e s^d Commission officers or Major part of them. That in case by the death of any of y^e said officers & advancement of y^e succeeding officer in his room as above or by the death of all the said officers to be Commissioned, the Adventurers shal supply the vacancie of all or any of y^e said officers by choosing such Person or Persons out of their number as they or the Major part of them shal think fitt. That they carry with them a Trumpeter. That every Person going out on this Adventure be provided with fifty pounds of Bisquet. That they carry with them a sufficient quantity of Salt and Pepper, and such other provisions as they shal think necessary And when such a number of Adventurers shal under their hands agree to the directions herein prescribed, and such others as are contained in the proposals now given in by M^r Baylor, and not altered by this: His Excell^{cy} doth promise to grant Commissions to the Officers to be named by them, with suitable Instructions for their proceedings on the said discovery.

His Excellency acquainted the Council that after their last Meeting he went to Kiquotan and spoke with Cap^t Teate who condescended

to stay till the 10th of July that thereupon he gave him three setts of Bills of Exch^a for £20 each to purchase provisions and had received the Pursers Bills on the victualling office for the s^d sixty Pounds. That he had sent to the Governor of Maryland, a copy of the Petitions of the Masters of Ships and the proceedings of the last Council thereupon and writt him a letter w^{ch} he now laid before the Council, and in answer thereto had received a lett^r dated the 19th instant wherein he seems to be still of opinion that y^e Strombulo is not a sufficient Convoy; but is glad that this Government have stop'd her for the publick Service, and intimates that he has advice of two men of war ordered hither for Convoying the Merchant Ships. His Excell^{cy} further acquainted the Council that he had received a copy of a letter from Cap^t Bagwell sent him by M^r Robert Dunkley Merch^t in London dated y^e 27th of March last informing him that the merch^{ts} had obtained an order for two men of war to sail for Virginia the 15th of April and stay twenty days to bring such Ships as shal be ready to come under their Convoy.

Whereupon y^e Council taking into consideration the several advices of two men of war, ordered hither to Convoy the Ships here for England, w^{ch} are further confirm'd by letters to private hands, and the Report of the Merchant of a Bristoll Ship lately arrived here, and that it is very probable that the s^d two men of war may speedily arrive: It is y^e opinion of y^e Council and accordingly Ordered that y^e Embargo be continued in expectation of y^e s^d Convoy.

Forasmuch as this Country hath been lately alarmed with advices of several French Privateers intended to cruise on this Coast, and for preventing the dangers that might happen not only to the Inhabitants of this Colony on y^e Sea coast, but to y^e Ships lying in the Rivers, it was thought necessary to stop her Majesty's Ship the Strombulo in this Country untill the tenth day of July next, and this Board being sensible that the Country is still lyable to y^e same dangers, & the shipping very much exposed if no man of war be left in y^e Country to protect them; It is therefore the opinion of the Council that it will be very much for her Majestys Service that her Majestys Ship Strombulo continue here till the first of August next. And whereas several advices from England give great assurance that two men of war, are ordered hither, and may be speedily expected to Convoy the Ships in this Country and Maryland for England, this Board are of opinion that Captain Teate's staying till the first of August will effectually secure the Merchant Ships from the danger of the Privateers, it being very probable that the Convoy may come in, and be ready to sail out again by that time, besides that Captain Teates joining those other two men of war in Convoying the Fleet for England will greatly contribute to the farther security of that Fleet wherein her Majesty has so great an interest by her Customs. And therefore the Council desire his Excell^{cy} to issue his order to Cap^t Teate or otherwise procure his stay with her Matys Ship under his command untill the said first day of August, and for that end to furnish him with Credit for purchasing Provisions for that time (w^{ch} will not amount to above fourty Pounds at the proportion he required

for the time he was stoped last) or to advance him money for purchasing what Provisions he shal have occasion for, or for any other necessary disbursement for her Matys Service about y^e said Ship, and this Board do declare that Cap^t Teate shal not be stopt any longer than the first of August unless otherwise ordered from England.

Ordered that the Collectors & Naval Officers have leave to clear all Ships & Vessells, that shal be ready to clear before y^e 20th day of July, provided such Clearance only allow y^e said Ships & Vessells to sail to James River, & there expect further orders.

Ordered that the Collectors & Naval Officers have leave to clear all Ships and Vessells bound to any of her Matys Plantations on the Continent or the West Indies untill the 10th day of July next, but not afterwards untill further order.

Ordered that y^e Naval Officers (after they have cleared the Ships in their Districts that shal be ready by the 20th of July next) bring their acco^{ts} of her Matys Revenue of two Shillings per hh^d Port dutys and head money, and make Oath thereto before his Excellency together with Bills of Exch^a for what shal be due to her Majesty thereupon to be p^d into y^e Clerk of y^e Council.

Ordered, That the Clerk of the Council remitt all Bills of Exc^a w^{ch} he shal receive on acco^t of the 2^s per hogsh^d Port dutys and head money after clearing of these Ships to M^r Micajah Perry & Company Merchants in London to be Lodged in their hands for her Majestys use.

The Clerk of the Council exhibited several Bills of Exchange being the ballance of her Majestys Revenue of Quittrents *Anno* 1704 and endorsed y^e same in presence of his Excellency and Council payable to Mess^{rs} Micajah Perry & Comp^a Merch^{ts} in London. Which bills amount to y^e Sum of one thousand Six hundred Sixty nine Pounds eleven Shillings & four Pence and are contained in the following List viz

“List of Bills of Exchange to be remitted to Mess^{rs} Micajah
 “Perry & Comp^a Merchants in London and lodged in
 “their hands for acco^t of her Matys Revenue of
 “Quittrents in Virginia

	£	s	d
His Excellency Francis Nicholson Esq ^r on M ^r Perry & Comp ^a for.....	100		
Coll ^o Gawin Corbin on M ^r Thomas Corbin for.....	170	3	6
Ditto on Ditto.....	129	12	2
Ditto on Ditto.....	179	16	10 $\frac{3}{4}$
Ditto on M ^r John Hide.....	35	6	
Henry Jenkins on Jonathan Matthews.....	168	14	10
James Kemp on Francis Makenny.....	184	16	4
John Baylor on John Danson.....	142	13	5
Andrew Hamilton on John Danson.....	100		
Madam Jane Park on Dan ^l Park Esq ^r	65		
Coll ^o James Wilson on M ^r Perry & Comp ^a	66	11	6
Henry Fox on M ^r Micajah Perry &c.....	27		
John Smith Esq ^r on M ^r Perry &c.....	65		
Gideon Macon on M ^r Perry &c.....	27	3	2
Roger Mallory on John Mallory.....	70	19	10
Anth ^o Juliot on James Bligh.....	26		6
John Ribton on Robert Langton.....	26	8	6
Ethelred Taylor on Christopher Scandrett.....	25	18	7
M ^r Robert Bird on Tho: Ellis.....	40		
Tim ^o Penkethman on Cuthbert Jones.....	8		
W ^m Barber on Abraham Spranger.....	8	17	2 $\frac{1}{2}$
	1669	2	5 $\frac{1}{4}$
W ^m Robertson's order to M ^r Perry to ball ^a y ^e Q ^t Rents.....		8	10 $\frac{3}{4}$
	1669	11	4

Ordered that the first sett of the said bills of Exchange be sent to M^r Perry & Company by her Matys Ship Strombulo, and the second by some other man of war according to a former order.

Then the Journal of the proceedings of Council from the 19th of April to y^e last Council held the 31st of May inclusive were read over.

Ordered that it be recommended to Lieut^t Coll^o Randolph & M^r Rich^d Bland (who were formerly appointed to sell her Matys Sloop Elizabeth) that for advancing the price of y^e s^d Sloop they allow to the Person that shal offer most, a years time or more to pay the price, he giving good security for y^e same.

Ordered that publick notice be given in Elizabeth City County that Point Comfort Island lying in y^e said County containing 1160 acres is to be lett from year to year to the highest Bidder, and that

his Excell^{cy} & the Council will receive proposals, & grant a Lease of y^e same.

Ordered that Coll^o W^m Taylor of Richmond County be directed & impowered to take into his custody and possession all the goods belonging to the Nansiatico Indians, in whose hands soever they be, and that he sell such of y^e s^d goods as are perishable returning an acco^t of the proceed thereof to his Excell^{cy} & Council & keep the remainder in his hands till further order.

Whereas the Gen^l Assembly stands prorogued till the 2^d day of August next and there being no present occasion for its meeting so soon, It is y^e opinion of y^e Council, and accordingly

Ordered that in case no order arrive from England before the 20th of July w^{ch} may require the speedy meeting of the Assembly, a Proclamation issue proroguing the Assembly to the 3^d day of October next.

Ordered that Edward Ross Gunner at James City be impowered to sell y^e old arms that were burnt in y^e State house at James City and y^e other old useless Iron in the Magazine there, and give an acco^t of the proceed thereof that y^e same may be applyed towards the defraying the charges of hooping the Powder barrels in the s^d Magazine & other necessary uses.

And nothing further offering for her Matys Service

The Council adjourned

At a Council held at her Matys Royal College of
William and Mary June y^e 30th 1705

Present

His Excellency

Philip Ludwell
William Bassett

John Smith
John Lewis Esq^{rs}

His Excellency acquainted the Council that about three oclock on Wednesday he received a Letter from Cap^t Joshua Moore Commander of her Maj^{ties} Ship Oxford that he and another man of war were arrived from Guinea to take in water & refreshments. That thereupon his Excell^{cy} thought it for her Maj^{ties} Service to go to Kiquotan and discourse y^e Captains about their staying and taking y^e Ships here under their Convoy. That when he came to Kiquotan he heard various reports as if they were to go by the way of Newfoundland. That he spoke with Cap^t Moore who at first made some difficulty of staying, but upon his Excell^{cy}s representing to him the Service it would be to her Majesty and to Trade, he agreed to stay & proposed that the Merchant Ships be ready by the 15th of July & five or six days more would be spent in making up the Fleet. That his Excell^{cy} further informed him that y^e Council had resolved upon stoping Cap^t Teate till y^e first of August, and that upon hearing of the arrival of these men of war he had given notice to the Govern^r of Maryland and had sent to the Masters of Ships in this Country to get ready to go under their Convoy, and that he had summoned

the Council, & as soon as they mett, the Captain should know their opinion & resolutions in this matter.

His Excellency likewise acquainted y^e Council that Captain Teate was out a Cruising, so that he could not give him the orders of the last Council. That Captain Stanhope Com^{der} of her Matys Ship Hastings spoke with Cap^t Teate without the Capes, who informed him that he had given chase to a Privateer of 16 Guns w^{ch} had a Sloop in Company but could not come up with them.

The Council took into consideration what time may be most convenient for the Ships here to sail with this Convoy, and there upon came to this Resolution, That

Whereas her Majestys Ships the Oxford & Hastings are arrived here in their Voyage from Guinea to take in water and refreshments and Captain Joshua Moore Commander of her Majesty's Ship Oxford the Commodore having at his Excell^{cy}s request, and for the security of the Trade here, condescended to stay till the 15th of July & five or six days longer to take such Ships under his Convoy as shal then be ready to sail with him for England; and forasmuch as several Ships cannot be ready to sail by the time proposed, It is the opinion of the Council that it will be much for her Matys interest and Service, and the advantage of the Traders to this Country that her Matys Ships the Oxford & Hastings stay here till the 1st day of August next, against w^{zh} time, its hoped all Ships in this Country will be ready to proceed under their Convoy and therefore desire his Excellency to represent to the Commodore the advantages that will accrue to her Maj^{ties} Customs and to her Subjects concerned in these Ships by this Service, and on the contrary the dammages that may happen by such Ships being left in the Country upon the uncertainty of another Convoy, and to procure his stay with her Majestys Ships under his command untill y^e said first day of August for the taking under his Convoy & protection all the Merch^t Ships in this Country bound for England, wherein so considerable a Branch of her Matys Revenue is concern'd.

And this Board are farther of opinion that for the greater security of the Fleet now bound out for England, Cap^t Matthew Teate Com^{der} of her Matys Ship Strombulo be desired to stay (according to y^e resolutions & advice of the Council on the 26th instant) and joine her Majesty's Ships Oxford & Hastings in Convoying this Fleet for England.

His Excellency was pleased to declare that if Captain Moore shal want Credit for the lengthening out his Provisions for y^e time he stays here, his Excell^{cy} will supply him both for y^e Oxford & Hastings if it be desired.

And in case Cap^t Moore shal agree to stay till the first day of August It is ordered that notice be forthwith sent to the Collectors & Naval Officers that they clear all Ships & Vessells in their respective Districts to the 20th of July; and then bring their accompts of the 2^s per hogshead &c and make Oath to them before his Excell^{cy} (according to y^e order of the 26th instant) with Bills of Exch^a for what shal be due to her Majesty. But if Captain Moore will not

stay after the 20th of July, then it is y^e opinion of the Council, and accordingly

Ordered that the Collectors and Naval Officers have leave to clear all Ships bound for England that shal be ready by the 20th of July, and it is ordered that y^e s^d Collectors and Naval Officers require the several Masters of Ships in their respective Districts that they forthwith repair to Kiquotan and join her Matys Ship the Oxford and her Majestys other Ships of war designed for their Convoy who are to sail from thence the said 20th day of July next. And it is further ordered that after this present Fleet is sailed, no Ship or Vessell bound for England be cleared untill further order.

Ordered that no Ship or Vessell bound to y^e West Indies or any of her Matys Plantations on the Continent be permitted to sail hence after the 10th day of July untill the departure of this present Fleet, and that y^e Collectors & Naval Officers take Bond of the Masters of such Ships & Vessells accordingly.

Resolved

That it is the opinion of this Board that if Captain Moore with y^e Ships of war under his command sail hence before the first of August, it is for her Matys Service that Captain Teate Commander of her Matys Ship the Strombulo, sail in company with them for the strengthening y^e s^d Convoy & the better protecting the Fleet now bound out with them.

Resolved

That it be left to his Excell^{cy} to direct the time when the Naval Officers shal make their accompts in case Cap^t Moore shal not agree to stay till the first day of August.

A Lett^r from Coll^o Rob^t Carter Excusing his absence from this Council was read in Council.

Examined per

Wil Robertson *Ck Con*

[C. O. 5, Vol. 1314, No. 63⁽ⁱⁱ⁾]

Virg^a *scd*

By his Ex^{cy}

A Proclamation

Whereas the Gen^{ll} Assembly called to meet at her Maj^{ty}s Royall Colledge of W^m & Mary adjoyning to the City of W^{ms}burgh the 17th day of March 1702/3 is prorogued to the second day of August next and on advice in Councill find it most for her Matys and this Colonys Service that the assembly be prorogued untill further time therefore I Francis Nicholson Esq^r her Maj^{ty}s L^t & Gov^r Gen^{ll} of Virg^a by vertue of the power and authority to me given by her Majestys Letters Patents under the great Seal of England bearing date at Westminster the fourth day of August in the first year of her reign doe by this Proclamation in her name publish and declare that I have prorogued the s^d Assembly and it is hereby prorogued to the third day of October next at w^{ch} time I do hereby require every respective member that they faile not in giving their attendance accord-

ingly. Given under my hand and the Seale of the Colony this 16th day of July 1705 in the fourth year of her Maj^{ty}s Reigne.

A Proclamation Prorogueing

the Generall Assembly

Fr: Nicholson

God save the Queen

[C. O. 5, 1412 Cont^d]

At a Council held at her Majestys Royal Capitoll
August y^e 15th 1705

Present

His Excellency Edward Nott Esq^r her Majestys
Lieutent and Governor General of Virginia

Edmund Jenings

John Lightfoot

Dudley Diggs

Benj^a Harrison

James Blair Commissary

Philip Ludwell

Henry Duke

W^m Churchill Esq^{rs}

Coll^o Francis Nicholson her Matys Late Governor of this Colony came into Council, and presented a Letter under her Majestys Royal Sign Manuel dated the 12th of April last whereby her Majesty is pleased to signify her Royal pleasure that upon the arrival of Edward Nott Esq^r whom her Majesty hath appointed to succeed him (the said Coll^o Nicholson) in the Government of Virginia, he should deliver up to her Matys said Governor the Seal of the Colony, publick Papers & others [other] Ensigns of Government and repair to her Royal presence to give her Majesty an account of the State of this Colony, when he might expect from her Majesty the marks of her Royal favour, and likewise produced a Letter from the Right hon^{ble} Sir Charles Hedges her Majesty's principal Secretary of State dated the 17th of the said moneth of April directed to the s^d Coll^o Nicholson Signifying that her Majesty having appointed Coll^o Edward Nott to be Governor of Virginia had signed a Letter of Revocation in the usual forme; but that it was not upon account of any Information agst the said Coll^o Nicholson or any displeasure her Majesty had taken against him that her Majesty had recalled him, but that her Majesty thinks it to be for her Service at this time; and y^e said Letters being read by the Clerk of the Council, the said Coll^o Nicholson in obedience to her Majestys commands delivered to His Excell^{cy} Edward Nott Esq^r the Seale of the Colony, His Majesty King Charles the Second's Charter to Virginia, a Commission under the Great Seal of England dated the 26th June 1697 empowering the Governor of Virginia for the time being to appoint officers of the Courts of Admiralty in Carolina & the Bahama Islands. A Commission from his late Majesty King William to several Persons therein mentioned to administer to the Governor of Virginia the Oaths appointed to be taken by the Act for preventing frauds & regulating abuses in the Plantation Trade, and a Commission for Trial of Pirates. Mr. Aud^r Byrds bond, M^r Secretary Jenings Bond & M^r Treasurer Beverleys Bond for the discharge of their respective offices. Several publick

Letters from his late Majesty King William, her present Majesty & the Lords Commission^{rs} for trade and Plantations, with her Majestys warrant for paying 100^{li} per annum to M^r Commissary Blair, and acquainted his Excell^{cy} that these Letters &c now delivered were all that he had Duplicates of, and that there were some others whereof he had no Duplicates, w^{ch} he had caused to be Entred in the Book appointed for Registring publick Letters in the Council office, and had reserved the Originals for himself, and that he had directed Lists of all the Records and Papers in the three principal offices in the Country viz the Secretarys office, Council office, and Clerk of y^e House of Burgesses office, to be prepared for his Excell^{cy} w^{ch} would be given his Excell^{cy} by the Clerks of those offices. And then y^e said Coll^o Nicholson withdrew.

Her Majestys Royal Commission under the great Seal of England Constituting and appointing his Excell^{cy} Edward Nott Esq^r to be her Majestys Lieuten^t and Governor Gen^l of Virginia being this day opened in Council, upon consideration of the most proper place for the publication thereof, it was Resolved that the same be openly read & published in the General Court house. Whereupon

His Excellency with the Gentlemen of the Council went down to the Gen^l Court house where his Excell^{cy}s Commission was publickly read by Stephens Thomson Esq^r her Majestys Attorney General. After which his Excell^{cy} and the Council returned to the Council Chamber, and

His Excell^{cy} caused to be read that part of her Majestys Instructions to him wherein the Council are nominated, their names being as follows viz William Byrd, Edmund Jennings, Jn^o Lightfoot, Dudley Diggs, Benj^a Harrison, Rob^t Carter, Jn^o Custis Esq^{rs}; James Blair Clerk Commissary to the Lord Bishop of London, Philip Ludwell, W^m Bassett, Henry Duke, Robert Quarry and W^m Churchhill Esq^{rs}.

Then his Excell^{cy} took y^e Oaths appointed by Act of Parliament to be taken instead of the Oaths of Allegiance & Supremacy, the Oath mentioned in an Act En^t an act to declare the alterations in y^e Oath appointed to be taken by the Act En^t an Act for the further security of his Majestys Person and the succession of the Crown in the Protestant Line, and for extinguishing the hopes of the pretended Prince of Wales & all other pretenders & their open & Secret Abettors, and declaring the Association to be determined, subscribed the Test, and took y^e Oath for the due administration of Justice as a Judge in the Gen^l Court of this Colony, and the Oath for y^e observance of the Laws relating to Trade appointed to be taken by an Act made in y^e 7th & 8th years of the Reign of his late Majesty King William Entituled an Act for preventing frauds and regulating abuses in the Plantation Trade.

After which his Excell^{cy} administred to every one of the Gen^t of the Council here present the Oaths appointed by Act of Parliament to be taken instead of the Oaths of Allegiance & Supremacy; the Oath mentioned in an Act Entituled an Act to declare the alterations in the Oath appointed to be taken by the Act En^t an Act for the further security of his Majestys Person & the Succession of the

Crown in the Protestant Line, and for extinguishing the hopes of the pretended Prince of Wales & all other pretenders and their open & secret abettors and for declaring y^e Association to be determined, together with the Test, the Oath for the due administration of Justice as Judges in y^e Gen^l Court and the Oath of a Cuncelor.

William Robertson Clerk of her Matys Council took the Oaths appointed by Act of Parliament to be taken instead of the Oaths of Allegiance & Supremacy the Oath appointed to be taken by the Act Ent an Act declaring the alterations in the Oath appointed to be taken by the Act Ent an Act for the further Security of his Majestys Person & y^e Succession of the Crown in the Protestant Line and for extinguishing the hopes of the pretended Prince of Wales & all other pretenders and their open & secret abettors and for declaring y^e Association to be determined subscribed the Test and took y^e Oath of Clk of y^e Council.

His Excellency acquainted the Council that her Majesty had been pleased to send by him a New Seal for this her Majestys Colony with her own Royal Arms & Inscription, and had ordered the old Seal to be defaced. And accordingly the said old Seal being defaced in presence of his Excell^{cy} & y^e Council; his Excell^{cy} was pleased to deliver the New Seal into the custody of Edmund Jenings Esq^r her Majestys Secretary of this Colony.

A Proclamation continuing all officers Civil and Military untill further ord^r being prepared was read in Council & Signed by his Excell^{cy} & y^e Seal of the Colony affixt thereto, and ordered that copys thereof be forthwith disperst throughout the several Countys.

His Excellency communicated to the Council several of her Majestys Royal Instructions w^{ch} were read by M^r Secretary, and his Excell^{cy} was pleased to acquaint y^e Council that he intended to speak to them on y^e subject matter of each of the said Instructions if it be thought convenient at this time. Whereupon the Council are of opinion that the consideration of y^e s^d several matters be refer'd till tomorrow morning and accordingly

The Council adjourned till tomorrow morning 9 oclock.

August 16th 1705

Present

His Excellency Edw^d Nott Esq^r &c

Edmund Jenings

Robert Carter

Jn^o Lightfoot

James Blair Commissary

Dudley Diggs

Philip Ludwell &

Benj^a Harrison

W^m Churchhill Esq^{rs}

Robert Carter Esq^r took y^e Oath appointed by act of Parliament to be taken instead of the Oaths of Allegiance & Supremacy, the oath mentioned in y^e act Ent an act to declare the alterations in the Oath appointed to be taken by the Ac^t Entituled an Ac^t for the further security of his Majestys Person and y^e succession of the Crown in y^e Protestant Line and for extinguishing the hopes of the pretended

Prince of Wales & all other pretenders & their open & secret abettors, and for declaring the Association to be determined, Subscribed the Test, and took y^e oath for the due administration of Justice as a Judge in the Gen^l Court with the Oath of a Councelor.

Henry Duke Esq^r present

His Excell^{cy} was pleased to acquaint the Council that he had matters of great importance to communicate to a General Assembly, and desired their advice as to the most proper and convenient time for its meeting: Upon consideration whereof the Council are of opinion that by the arrival of his Excell^{cy} & his entring upon the administration of the Government, the Assembly called by his Excell^{cy} Francis Nicholson Esq^r late Governor is dissolved, and that the 23^d of October next is a very proper & convenient time for the meeting of a New Assembly. And thereupon the draught of a Proclamation being prepared declaring the Assembly to be dissolved, and the forme of a Writt for a New Election of Burgesses were read & approved in Council, and ordered to issue accordingly.

His Excellency communicated to the Council one of her Majesty's Royal Instructions relating to the Auditor & Receiver Generals office being executed by one Person, and desired the Council to consider ag^t their next meeting what may be proper for her Majestys Service in this particular.

A Letter from the most hon^{ble} the Lord high Treasurer of England with a Memorial for the better improvement of her Majesty's Quittrents in Virginia, being laid before the Council & read. His Excell^{cy} desired them to consider against their next meeting, and let him have their opinion on what is proposed in the said Letter & Memorial, that directions may be given accordingly.

Upon reading a Letter to his Excell^{cy} from the Right hon^{ble} W^m Blathwayt Esq^r Auditor Gen^l of America, wherein he acquaints his Excellency that M^r Byrd had informed him of the death of his father in Virginia who had left him a plentiful Estate & very sufficient means to satisfy his debt to the Queen as Receiver of the Revenue and desiring his Excell^{cy} to take care that M^r Byrd give fresh security for what is due to her Majesty, and also to issue out the usual orders & authorizations for the General receipt of the Revenue within this Government for the time to come untill her Majestys pleasure, or my Lord Treasurers be further Signified. And his Ex^{cy} desiring to know how the accompts of her Majesty's Revenue now stands, and the opinion of the Council what may be most for her Majesty's Service in relation to her Majestys Revenue. The Council informe his Excellency that since the death of M^r Auditor Byrd the late Governor had taken upon him the management of the Revenue, and that the money arising thereby had been received by the Clerk of the Council and the acco^{ts} in his hands. And that it is their opinion that some Person be appointed to execute the office of Auditor & Receiver of his Majestys Revenue, untill further order from England, the Person so appointed giving good Security for answering what money shal come to his hand on that account.

His Excell^{cy} thereupon proposed to y^e Council that M^r Byrd, who is now arrived in Virginia & by his character as well in England as Virginia, is a Person well qualifed & of sufficient ability, be appointed to execute his fathers office as Auditor & Receiver of her Majesty's Revenue untill some further order be given therein: The Council being well satisfied of the qualifications and abilities of the said M^r Byrd to discharge that trust do approve of his being appointed to execute that office as his Excell^{cy} hath proposed, and that his Excell^{cy} Commissionate him accordingly, he giving such security as shal be approved by his Excell^{cy} and y^e Council, and that in y^e meantime untill the meeting of another Council M^r Byrds personal security be accepted.

The Proclamations declaring the Assembly to be dissolved and the Writts for Election of Burgesses not being all ready for his Excell^{cy}s signing; his Ex^{cy} desired the opinion of the Council whether he may sign the said Proclamations and writts out of Council. Whereupon y^e Council declare there is no necessity for the said Proclamation, Writts being signed in Council, the Draughts of both having been read & approved at this Board, and that his Excellency may sign them at his Leasure, only that the said Writts & Proclamations bear Teste this day.

Whereas Capt^t George Clements Com^{der} of her Matys Ship the Kingston lately arrived here together with her Majestys Ship Falkland as Convoy to the Inward bound Fleet hath informed this Board that he intends to sail hence for England with her Matys Ships under his command in twenty days from this date. It is therefore

Ordered that the Collectors and Naval Officers of the several Districts within this Colony be directed and impowered to clear all Ships and Vessells that shal be ready to joine the said Convoy at Kiquotan the 5th day of September next, and the said Collectors & Naval Officers are forthwith to give notice thereof to the Masters of all Ships & Vessells riding in their respective Districts that they may prepare themselves & repair thither accordingly.

Ordered

That all y^e Naval Officers be required to attend his Ex^{cy} & y^e Council on the 4th day of September next in order to pass their acco^{ts}.

There being no Person now impowered to act as Agent for this Country in England, His Excell^{cy} was pleased to acquaint the Council that it would be very much for y^e Service of the Colony that an Agent be appointed, and proposing Coll^o Nathaniel Blackeston as a Person duly qualifed for such a Trust; The Council do unanimously approve of the said Coll^o Blakiston to be Agent for this Country, he being well known to most of this Board to be a Gentleman [of] probity, integrity and eminent ability for the discharging that Trust, and they humbly request the Right hon^{ble} the Lords Comm^{rs} for trade and Plantations to give the said Coll^o Blakiston leave as Agent to sollicite the affairs of this Country.

M^r Secretary Jenings presented her Majestys warrant under her Royal Sign manual dated the 13th of December 1704 directing that y^e Sum of two hundred pounds Sterling be paid to him out of

her Majestys Revenue, here in full recompence & satisfaction for his Service, pains & Expence as well in coming with the Laws for England & attending there about y^e same, as in returning back again therewith, and desired that y^e s^d Warrant may remain in the Council office untill his Excellency think convenient to draw warrants for the money, and Ordered accordingly.

M^r Commissary Blair representing that there are several arrears of his Sallary due to him, & moving that y^e same may be ordered when warrants are drawn on her Majestys Revenue for the like allowance, pursuant to her Matys warrant now remaining in the Council office. It is referred to W^m Byrd Esq^r after he enters upon the office of Auditor to report to his Excellency & the Council how much is due to y^e s^d Commissary that warrants may be drawn accordingly.

A Letter from M^r Joshua Wynne Sherif of Prince Georges County was read, praying that a Commission of Oyer & Terminer may issue for y^e trial of a Negro committed to the Goal of that County on suspicion of Burglary, & a Commission was Ordered accordingly.

The Petition of John Bunch and Sarah Slayden praying that the minister of Blissland Parish may be ordered to publish the Banns between the Pet^{rs} in order to their marriage, w^{ch} he hath hitherto refused on pretence of the s^d Bunch's being a Mulatto, was read, and referred to M^r Attorney General to report his opinion whether the Petitioners case be within the intent of the Law to prevent Negros & White Persons intermarrying to y^e next meeting of the Council.

The proceedings of the Council yesterday and this day was read over and approved.

Resolved

That a Council be held here on the fourth day of September next and that notice be given to y^e Gentlemen of y^e Council that are now absent, to give their attendance.

At a Council held at her Majesty's Royal Capitol
the 4th day of September 1705

Present

His Excellency Edw ^d Nott Esq ^r &c	
Edmund Jenings	M ^r Commissary Blair
John Lightfoot	Philip Ludwell
Dudley Diggs	Henry Duke &
Benj ^a Harrison	W ^m Churchhill Esq ^{rs}
Rob ^t Carter	

Upon reading a Lett^r from the Governor of Maryland directed to his Excell^{cy} informing him that one John Staples mariner late of Philadelphia, one John Taylor a tall thin brown man, one Thomas Sparrow & one Sterritt a flaxen haired youth of a middle stature & clear complexion, and one Rich^d Clark late of Ann Arundell County in Maryland who was outlaw'd by act of Assembly there for high Treason, having gotten a Sloop called the Little Hannah of West River in

Maryland, are suspected to be going on a Pyratial design, for suppressing of w^{ch} & preventing the mischiefs that such Persons may committ; It is y^e opinion of the Council and accordingly

Ordered that a Proclamation issue requiring all Persons within this Colony to use their best endeavors to discover & apprehend the Persons above-named and to carry them or either of them before some Justice of y^e Peace to be examined, w^{ch} Justice if he find ground to suspect the Person or Persons so brought before him to be of the number of those abovementioned, & that y^e said Person cannot give any good account of his business, he is forthwith to secure him untill he shal receive his Excell^{cy}s commands, for which end he is immediately to dispatch an Express to the Governor with as exact an Information as he can procure concerning y^e party so committed Requiring also y^e Collectors & Naval officers to be very dilligent in discovering if the Sloop or any of the men herein mentioned come into their Districts, and take care to secure them as above directed. And ordered that M^r Attorney Gen^l prepare the said Proclamations and that they be signed by his Excell^{cy} when prepared.

Her Majesty by one of her Instructions to his Excellency requiring him to consider and Report his opinion whether the office of Auditor & Receiver Gen^l ought to be executed by one & the same Person, & what may be most for her Majesty's advantage for the Settlement of both or either of y^e said offices with proper Limitations & restrictions which coming now to be considered according to y^e reference of y^e last Council, and His Excell^{cy} desiring the opinion & advice of y^e Council in that particular, the Council after having deliberately considered y^e same came to the following Resolutions w^{ch} they humbly offer as their opinion on what is contained in y^e s^d Instruction viz

That it is for her Majesty's Service that y^e acco^{ts} of the Revenue be audited and inspected in this Country, because it is impossible that any Person living out of the Country can have such opportunitys of discovering the Errors in the Acco^{ts} & irregular payments that may be made out of y^e said Revenue.

That considering the Sallary heretofore allowed to the Person executing the office of Auditor & Receiver Gen^l would be too small for two Persons if those offices should come to be disjoined, it would not be worth any Gentlemans while to undertake the trouble of either of them upon so slender an allowance, and

That if the Person acting as Auditor & Receiver be directed to bring the acco^{ts} of her Majesty's Revenue together with the proper Vouchers from time to time before the Governor & Council of this Colony, there to have a fair & open examination & inspection before they be transmitted for England, it will be a more safe & proper means for discovering any frauds that may be committed to her Majestys prejudice in the making up the said acco^{ts}, & disposition of the money here than if y^e same were under y^e scrutiny of any one single Person.

Pursuant to an order of the last Council William Byrd Esq^r appointed Auditor & Receiver Gen^l of her Majestys Revenues in

this Colony untill further direction from England came before his Excell^{cy} in Council, and acquainted them that he had provided three securitys to enter into bond with him for his due execution of the said office viz Ben^a Harrison & Philip Ludwell Esq^{rs} now present & Coll^o W^m Randolph who was detained by sickness, but would be ready to sign when his health should permit his coming to Town; which securitys being approved by his Ex^{cy} & y^e Council, the said W^m Byrd Benj^a Harrison & Philip Ludwell Esq^{rs} sealed & delivered to his Excell^{cy} for her Majestys use, a Bond of five thousand pounds Sterling, for y^e s^d W^m Byrds due execution of that office.

Then y^e s^d W^m Byrd Esq^r took the Oaths appointed by Act of Parliament to be taken instead of the Oaths of Allegiance & Supremacy, together with the Oath mentioned in an Act Entituled an Act to declare the alterations in the oath appointed to be taken by the Act En^t An Act for the further security of her Majestys Person and the succession of the Crown in the Protestant Line & for extinguishing the hopes of the pretended Prince of Wales & all other pretenders & their open & secret Abettors & declaring the Association to be determined, and then subscribed the Test.

It being moved that some of the Council should be appointed to State & Examine the acco^{ts} of her Majesty's Revenues since Octo^r 1704, and his Excellency proposing that the four first Gentlemen of the Council be appointed for that purpose, M^r Secretary Jenings, desired to be excused because of some urgent business he had to dispatch, It is thereupon

Ordered, That Jn^o Lightfoot, Dudley Diggs, Benj^a Harrison & Rob^t Carter Esq^{rs} be & they are hereby appointed to state & examine all y^e Acco^{ts} of her Matys Revenue arising in this Colony since the date of the late M^r Auditor Byrds last accompt, and report their observations thereon to this Board tomorrow.

Ordered, that the Clerk of the Council attend y^e said Gentlemen with what Books, Papers and acco^{ts} they shal have occasion to make use of

Whereas no Writt hath yet issued for electing a Burgess to serve in y^e ensuing Assembly for James City, and his Excell^{cy} desiring the opinion of the Council whether he sould issue a Writt for that place being he was informed the same had been lately disused. The Council having read and considered the Act of Assembly Entituled Burgesses ascertained, which Act is till in force, are of opinion that by vertue thereof James City hath a right to return a Burgess to serve in the Assembly untill the said Act be repealed. And accordingly his Excellency was pleased to sign a Writt for James City to elect a Burgess to serve in the ensuing Assembly.

His Excellency was pleased to acquaint the Council that pursuant to her Matys Instructions he had caused so many of the s^d Instructions wherein the Councils advice is required, to be copied out by the Clerk of the Council, & that they were now on the Council table & should be entered in y^e office for the perusal of any of the Gentlemen of this Board who may if they think fitt take copys of them.

In obedience to an order of this Board dated the 16th of August

last, M^r Attorney Gen^l reported his opinion on the Petition of Jn^o Bunch & Sarah Slayden as followeth

September y^e 4th 1705

“ Upon perusal of a Petition of John Bunch & Sarah Slayden to
“his Excell^{cy} Edw^d Nott Esq^r &c and upon perusal of an Act of
“Assembly of this Colony entituled an Act for suppressing Outlying
“Slaves; I am of opinion & do conceive that y^e s^d Act being Penal
“is Coercive or restrictive no further then the very letter thereof,
“and being wholly unacquainted with the Appellations given to y^e
“issue of such mixtures, cannot resolve whether the issue begotten
“on a White woman by a Mulatto man can properly be called a
“Mulatto, that name as I conceive being only appropriated to the
“Child of a Negro man begotten upon a white woman, or by a white
“man upon a negro woman, and as I am told the issue of a Mulatto
“by or upon a white Person has another name viz that of, Mustee;
“w^{ch} if so, I conceive it wholly out of the Letter (tho it may be
“conjectured to be within y^e intent) of the s^d act, The which (as
“aboves^d being Penal) is, as I conceive not to be construed beyond
“y^e letter thereof.

S. Thomson, A G

Upon consideration of which Report, and that the Petition^{rs} Case is matter of Law, It is therefore ordered that the Petition of the said Bunch and Slayden be referred till next General Court for M^r Attorney to argue the reasons of his opinion before his Excell^{cy} and y^e Council.

The Council adjourned till tomorrow morning 9 oclock.

[From “Council Journals, 1705 to 1721,” a manuscript
in the Virginia State Library.]
September the 5th 1705

Present

His Excellency

Edm^d Jenings

Jn^o Lightfoot

Dudley Diggs

Benj^a Harrison &

Robert Carter Esq^{rs}

M^r Comm^{ry} Blair

Philip Ludwell Esq^r

Henry Duke &

W^m Churchhill Esq^{rs}

Ordered that the Pillory and Stocks set up in the Court of the Capitol be forthwith removed, it being placed there without the direction of any Person having authority for that purpose and in a very unfitt place.

Ordered that the Boards or Deal Plates with the Inscriptions thereon set up on the East & West Fronts of the Capitol be pulled down, the Inscriptions being improper, and set up there without any publick authority, and that the Overseer of the work of the Capitol see the same forthwith performed, and that y^e said Overseer take care that no other Inscriptions be put up any where else about the Capitol.

The Gentlemen appointed to State & Examine the acco^{ts} of her Maj^{ties} Revenue since the date of M^r Auditor Byrds last acco^t reported their observations of the several acco^{ts} w^{ch} being read, the Council entered upon the debate of the several Paragraphs thereof, and

Upon that part of the said Report relating to the payment of fifty pounds to the Sollicitor of Virginia affairs out of the 2 Shill^s per hogshead, the 25th of April 1705, The Council observe that in y^e acco^t of the two Shillings per hogsh^d Port dutys and head money ending the 25th of April 1705 there is an article of fifty pounds paid the Sollicitor of Virginia affairs for half a years Sallary ending that time, whereas they are well satisfyed there was no such officer then appointed, nor any one that pretended to that office for almost 12 months before M^r Thraile dying in April or May 1704.

Upon inspection of the Accompts of the 2^s per hogshead given in by the Naval Officers of Rappahannock & Potomack Districts it appears that diverse hogsheads of Tobacco of the growth of Maryland hath been ship'd on board of Ships riding in those Districts and her Majestys duty of 2^s per hogshead not paid according to her Majestys Instructions; and Coll^o Corbin Naval Officer of Rappahannock River having been at this Board asked the reason of allowing Maryland tobacco to be ship'd here without paying the said duty, affirmed it had been the constant custom for several years to exact no duty for Maryland Tobacco, the same favour being allowed to Virginia tobacco ship'd in Maryland; but this Board being desirous to be farther informed how far such a Custom (if made appear) may justify the Naval Officers for the time past for not exacting the s^d duty of 2^s per hogsh^d as both by Law and her Maj^{ties} Instructions they are requir'd to do; His Excellency and the Council do therefore humbly submitt it to the determination of the most hon^{ble} the Lord high Treasurer, & suspend the payment of the said duty of 2^s per hogshead for the Maryland tobacco mentioned in y^e acco^{ts} of the Officers of the said Districts of Rappahannock and Potomack untill his Lors^{ps} pleasure be signifyed therein.

Whereas her Majesty by one of her Instructions to his Excellency is pleas'd to direct that all tobacco ship'd in Virginia from what place so ever it come, do pay Virginia dutys: It is Ordered that the Naval Officers take care that her Matys pleasure Signifyed in the said Instruction be duly complied with for the future, and that all tobacco ship'd on board any Ship or Vessell riding in their Districts whether it be of the growth of this Colony or any other her Matys Plantations do pay the duty of two Shillings per hogshead.

Ordered that all the Naval Officers that have not made Oath to their acco^{ts} of the 2^s per hogshead &c arising before y^e going out of the last Fleet be required to do y^e same as soon as may be. And after some farther time spent in debating y^e several Paragraphs of the said Report The Council adjourn'd till tomorrow morning 8 a'clock.

September y^e 6th 1705*Present*

His Excellency

Edmund Jenings

M^r Com^{ry} BlairJn^o Lightfoot

Philip Ludwell

Dudley Diggs

Henry Duke &

Benj^a HarrisonW^m Churchill Esq^{rs}Robert Carter Esq^{rs}

Whereas it is absolutely necessary that some Person be appointed as messenger & Door keeper to attend his Excell^{cy} & Council, and application being made in behalf of Walter Crombie for that Office, It is therefore Ordered that y^e said Crombie be admitted messenger and Door keeper upon the Sallary allowed by y^e Gen^l Assembly to y^e said officer, and such other allowance as his Excellency & y^e Council shal judge he deserves upon experience of his dilligence in the said office.

Pursuant to her Majestys directions, his Excellency in Council Signed a Warrant to W^m Byrd Esq^r Receiver Gen^l of Virginia to remitt three thousand pounds Sterling into the receipt of her Maj^{ties} Excheq^r our of the ballance of the Quittrents remaining in his hands.

Major Arthur Allen Naval Officer of the Upper District of James River came before his Excell^{cy} in Council and made Oath to his acco^{ts} of the 2^s per hogsh^d port dutys and head money to the 20th of July last past, pursuant to an Order of his Excell^{cy} in Council.

Coll^o Gawin Corbin Naval Officer of Rappahannock River made Oath to his acco^t of the 2^s per hh^d Port dutys & head money to y^e 24th of July 1705 pursuant to an order of his Excell^{cy} in Council.

Ordered that the Collectors and Naval Officers of the several Districts be impowered to clear all Ships bound for England under Convoy of Cap^t Clements Comm^{der} of her Matys Ship Kingston untill they have certain information that the s^d Convoy is sailed taking Bond of the M^{rs} of such Ships at clearing in y^e Sum of five hundred pounds Sterling with condition that if the s^d Convoy be sailed out of the Capes before they joine him that they shal return into some Port within this Government and wait the arrival of another Convoy.

Upon reading a lett^r from Cap^t George Clements Commander of her Matys Ship Kingston desiring a supply of money or Credit for y^e s^d Ship, and his Excell^{cy} asking the advice of the Council thereupon, The Council declare they shal always be ready to serve her Maj^{ties} as far as lyes in their power, but that there is no publick money in this Government out of which the s^d Ship may be supplied, His Ex^{cy} was thereupon pleased to say he would advance the money desired for her Matys Service.

Upon the Petition of John, David, Charles, Joseph & Benj^a Holt Sons of John Holt late of Hog Island in Surry County setting forth that their said father had through some indisposition of mind laid violent hands on himself, and that the Coroners Inquest had

return'd that he murdered himself, but omitted to return that he was *non Compos mentis* whereby the personal Estate of y^e s^d Holt being forfeited to her Majesty, They humbly pray'd his Excellency to interceed for her Majestys grace to them therein: His Excellency was pleased to Sign a Warrant to the Sherif of Surry County to seize and appraise the personal Estate of the said John Holt & return an Inventory thereof to y^e Secretarys office, and ordered that y^e said Estate be continued on the Plantation & in y^e hands of the Petitioners, they giving security for the value thereof, untill her Maj^{ties} pleasure be known therein.

The Council entered upon the further consideration of the Report of the Gentlemen appointed to state & examine the acco^{ts} of her Maj^{ties} Revenue, and thereupon are of opinion

That Coll^o Wilsons omitting to charge himself with the duty of fifty hogsheads of tobacco exported out of the Lower District of James River to Rappanhannock as by his Certificate given in by Coll^o Corbin is an error, and Ordered y^t y^e s^d Wilson acco^t to her Majesty for y^e same.

That Coll^o Richard Lee Naval Officer of Potomack District giving himself Credit in his acco^t of y^e 22^d May 1704 for ten pounds one Shilling as to the ballance overpaid Coll^o Byrd in his last acco^t ought not to be allowed as a deduction out of her Maj^{ties} Revenue. That y^e Sum of two pounds charged by the said Coll^o Lee in his said acco^t for messages to Maryland ought to have been paid out of the money allowed for Contingent charges, and not deducted out of this acco^t. That y^e tunnage of the Ships ought to be paid where the Ship rides, and no deduction ought to be allowed for the Tunnage of Tobacco brought from Maryl^d as Coll^o Lee in his acco^{ts} of the 22nd of May & 17th of July 1705 has done. That the acco^t of her Mat^{ys} Revenue of two shill^s per hogshead ought not to be intermixed with the acco^{ts} of the Governors dues w^{ch} ought to be returned to him distinct & separate and that Coll^o Lee by putting y^e same in his acco^{ts} hath committed an Error w^{ch} ought to be rectified. That the charging an article of Six pounds nine Shillings paid Cap^t James by Governor Nicholsons order in his acco^t of the 2^s per hogshead the 17th of July 1705, is likewise an Error & ought to have been placed to y^e s^d Gov^r Nicholsons private acco^t. And it is ordered that the particular mistakes hereby observed in y^e s^d Coll^o Lees acco^{ts} be by him rectified, and that he reforme his acco^{ts} of her Maj^{ties} dutys of 2^s per hogsh^d &c according to y^e above observations and return two fair copsy thereof to y^e Council office.

And upon consideration of the several paragraphs of the said Report relating to Coll^o Nicholson late Governor his acting and taking on him the auditors Office, His Excellency and the Council calling to mind that at the last Meeting of y^e Council, it was discussed (but out of respect to the said Coll^o Nicholson no entry was made thereof on the Journal) that y^e s^d Coll^o Nicholson should be acquainted by the Clerk of the Council that his Excell^{cy} and the Council thought it reasonable he should give in an acco^t under his hand of her Matys Revenue received by him as Auditor aforesaid,

Enquired if the Clerk of the Council had acquainted the said Coll^o Nicholson therewith, and finding that the Clerk through misapprehension of their directions had not acquainted the s^d Coll^o Nicholson with the opinion of his Excellency & Council as intended, It is thought fitt that before they proceed any further a message be sent to Coll^o Nicholson late Governor to acquaint him that it is the opinion of this Board, that he (having taken upon him the management of the Revenue since Coll^o Byrds death) give in a fair acco^t under his hand of what has been received by him or his order on acco^t of her Matys said Revenue, and Ordered that y^e Clk of the Council do forthwith wait on y^e s^d Coll^o Nicholson for his answer.

The Clerk of the Council being returned Reported that he had accordingly waited on Coll^o Nicholson and acquainted him with the opinion of his Excellency and the Council, and that y^e substance of his answer was to this effect. That y^e acco^{ts} of the Quittrents and two shillings per hogshead were fairly made up to the 25th of April last, and that what had been received since on acco^t of the 2^s per hogshead the Governor and Council had all the acco^{ts} before them and he did not think himself obliged to Sign any acco^t but if any thing be required of him he desires it may be in writing and he shal be ready to answer it.

Whereupon the following order was agreed on.

Upon reading the Report of the Gentlemen appointed to state and examine the acco^{ts} of her Maj^{ties} Revenue It appears to this Board by several Entrys on the Council Books that Coll^o Nicholson late Governor of this Colony did take upon him the execution of the office of Auditor of her Maj^{ties} Revenue after the death of the late Auditor Coll^o Byrd and the acco^{ts} of the sev^{ll} officers have been made up by his direction, that there are Bills for a considerable part thereof taken in his own name, which with others received on that acco^t have been remitted into England to M^r Micajah Perry & Comp^a Merch^{ts} in London and an acco^t of them ordered to be kept in y^e s^d Coll^o Nicholsons name for her Maj^{ties} use, but there being no stated acco^t of the said Revenue signed by the said Coll^o Nicholson it doth not appear who shalbe answerable to her Majesty for y^e same, nor on whom this Government may draw Warrants for y^e establish'd Sallarys & necessary charges payable out of y^e s^d Revenue; untill which acco^t be stated & Signed her Maj^{tie} cannot be secured nor the necessary charge for the Support of the Government defrayed, nor the said Bills recovered to her Majesty in case any of them come in protested or other miscarriage happen, and therefore his Excellency and the Council are of opinion that it is for her Maj^{ties} Service and necessary for the Support of this Government, that according to y^e Custom of former Auditors, the said Coll^o Nicholson as taking upon him the execution of the Auditors office, give in a fair & truly stated acco^t under his hand both of the Revenues of Quittrents and two shill^s per hogshead Port dutys and head money from the time of Coll^o Byrds death to the arrival of his Excell^{cy} the present Gov^r &

Ordered that a copy of this opinion of his Excellency and the Council be sent to y^e s^d Coll^o Nicholson for his answer

Which being sent by the Clerk of the Council to y^e s^d Coll^o Nicholson, he in a short time returned the following answer VIZ “Williamsburgh September 6th 1705 His Excell^{cy}s order in Council of this date have received from M^r William Robertson Clerk of her “Majestys hon^{ble} Council. To which I return this answer that “what was done by myself in Council concerning her Majestys Revenues of the 2^s per hogshead Port dutys &c, as likewise of the Quittrents I have according to my duty sent to the most hon^{ble} the Lord “high Treasurer, the Lords Comm^{rs} for trade and Plantations, and “likewise to W^m Blathwayt Esq^r her Matys Auditor General, and “M^r W^m Robertson Clerk of her Maj^{ties} hon^{ble} Council made up “the sev^{ll} acco^{ts} w^{ch} I sent by her Matys Ship Oxford Cap^t Joshua “Moore Commander, copys of w^{ch} said acco^{ts} I have signed by the “said W^m Robertson, who hath in his custody the 3^d bills of Exch^a “for the Quittrents and two Shillings per hogshead &c, and I have “neither directly nor indirectly received one penny of either of the “said acco^{ts}; but there was due to me the 25th of July last on acco^t “of my Sallary &c the Sum of £1712-10^s-0^d w^{ch} will appear by the “last acco^{ts}. And I think it is not in y^e least to be doubted but that “my Lord high Treasurer, the Lords Comm^{rs} for trade and Plantations will give the necessary orders where the money received “on acco^t of the said Bills of Exchange shal be paid upon the receiving “of them, which acco^{ts} I hope in God by this time my Lord high “Treasurer and Lords Comm^{rs} for trade &c have received, the copys “of the aforesaid acco^{ts} shal immediately be copyed out & signed by “me, and delivered to his Excell^{cy} or his order by his Ex^{cy}s most “humble Serv^t

Fr: Nicholson

Upon reading of which order and mature consideration thereof the Council came to the following Resolutions VIZ That the Revenue of two Shillings per hogshead is by the Law of this Country solely appropriated towards the Support of the Government. That no money hath ever been disposed out of the said Revenues but for y^e Support of the Government; and so careful hath her Majesty and her Royal predecessors been that it should not be otherwise applied or diverted that it hath been and is a standing Instruction that no money shal be issued out of it but by warrant under the hand of the Governor for the time being, with the advice and consent of the Council. That by another standing Instruction given from time to time to the Governor of this Colony it is expressly provided that the Quittrents shal not be disposed of but by her Majestys especial order. That Coll^o Nicholson the late Governor of this Colony his taking upon him the execution of the office of Auditor of her Maj^{ties} Revenue and having received bills of Exchange for a considerable Sum on acco^t of the said Revenue and remitting y^e same into the hands of M^r Micajah Perry & Comp^a Merch^{ts} in London from whom they cannot be recalled for y^e use of the Government is an irregular method and contrary to all former Custom. Upon the whole the Council are unanimously of opinion that it is necessary to Report

to his Excell^{cy} in writing the State of her Majestys Revenue since the death of the late Auditor and that they humbly pray his Excell^{cy} to represent the same to her Majesty; and Ordered that M^r Secretary Jenings, Robert Carter, Philip Ludwell and Henry Duke Esq^{rs} draw up and prepare the said Report.

By the Report of the Gentlemen appointed to examine the acco^{ts} of her Majestys Revenue, it appears that W^m Robertson Clerk of the Council hath in his hands the Sum of two pounds nineteen Shill^s & three Pence received of Major Allen as the ballance of his acco^t of the 2^s per hogshead made up with Coll^o Nicholson to y^e 20th of July 1705 and y^e Sum of 1^{li}—7—5½ received of Coll^o Wilson as the ballance of his acco^t of y^e same date for w^{ch} the said Robertson ought to be accountable to her Majesty.

Upon inspection of the acco^{ts} of Contingent Charges the Council agreed to the Report of the Gentlemen appointed to examine y^e s^d acco^{ts} that y^e allowance of ninety four pounds to M^r Richard Wharton & M^r John Holloway for trying the Nanseatico Indians & assisting the Attorney Gen^l in seven Enditements in October 1704 is an extravagant & unusual charge, y^e drawing Inditem^{ts} being y^e proper business of the Attorney Gen^l.

That the articles in the acco^{ts} of Contingent charges from the 28th of October 1704 to the 31st of May 1705 amounting to y^e Sum of £144-17^s-11^d and in the acco^t of Contingent charges from the 1st of June to y^e 4th of September 1705 amounting to £69-12^s10^d are so general that it cannot be discovered how much of it has been expended on business properly for her Maj^{ties} Service; But observe that the articles in y^e last of the aforesaid acco^{ts} of twenty pounds five Shillings paid Coll^o Quarry for sending a packet for Gov^r Nicholson to Coll^o Custis is an extravagant charge, and no Voucher appears that y^e s^d Coll^o Quarry paid y^e money.

And upon reading that part of the Report wherein it is observed that there is no mention made of the Auditors Sallary neither in y^e acco^t of the Quittrents for the year 1704 nor the acco^t of 2^s per hogshead to the 25th of April 1705 The Council agreed to y^e said Report, and are of opinion that M^r Aud^r Byrd having before his death sold great part of her Maj^{ties} Quittrents for the year 1704 and taken Bond for y^e same, a proportionable part of the Auditors Sallary ought to be allowed to his Executor for the said Service, and are further of opinion that William Robertson Clerk of her Maj^{ties} Council having had great trouble in adjusting and settling the acco^{ts} of her Maj^{ties} Revenue of Quittrents and two Shillings per hogshead by order of Coll^o Nicholson late Gov^r ought to have a suitable Compensation made him out of the Auditors Sallary.

His Excellency laying before the Council the Lord High Treasurers letter with the Memorial therein mentioned for the better improvement of her Maj^{ties} Quittrents for their consideration according to the Reference of the last Council, It is y^e opinion of the Council that the matter of the said Letter and Memorial being of great moment, and requiring time for Serious deliberation, and they having at this

Meeting spent much time already in sev^{ll} other matters for her Maj^{ties} Service, pray his Excell^{cy} that y^e consideration thereof may be put off till their next Meeting.

And then y^e Council adjourned till tomorrow morning 9 aclock.
September the 7th 1705

Present

His Excellency

Edmund Jenings
Jn^o Lightfoot
Dudley Diggs
Benj^a Harrison &
Rob^t Carter Esq^{rs}

M^r Com^{ry} Blair
Philip Ludwell
Henry Duke &
W^m Churchill Esq^{rs}

His Excellency laid before the council copys of the acco^{ts} of her Matys Revenue given him by Coll^o Nicholson & certified by him to be sent to the Lord high Treasurer, but it appearing that the said acco^{ts} are not sign'd as Auditor the Council are of opinion that y^e same are not Significant nor any security of her Matys Revenue.

M^r Secretary Jenings moving for a Warrant for the two hundred pounds ordered him by her Majestys warrant, w^{ch} being mentioned to be payable out of her Majestys Revenues without particularizing out of what branch thereof, His Excell^{cy} desired the advice of the Council upon what part of the Revenue it may be safe for him to issue his warrant for the s^d 200^{li} The Council are unanimously of opinion that the two Shillings per hogshead being by the act of Assembly En^t an Act for raising a publick Revenue for the better support of the Government of this his Majestys Colony of Virginia appropriated for the paying the established Sallarys and contingent charges of the Government the said two hundred pounds being no Contingent Charge cannot be paid out of the Revenue of two Shillings per hogshead.

Then his Excellency asked the opinion of the Council whether he may pay the s^d two hundred pounds out of the Quittrents (being tis certain that it was designed it should be paid) or wait for directions from England out of what part of her Maj^{ties} Revenue it shal be paid; The Council are of opinion that his Excellency may safely draw Warrants for paying the s^d two hundred pounds out of her Maj^{ties} Quittrents rather than suspend the executing her Maj^{ties} comands and put Coll^o Jenings to the inconveniency of lying out of his money any longer.

The Gentlemen appointed to draw up a Report to his Excell^{cy} of the State of the Revenue presented the same at the Board where y^e same was read and amended and being fairly transcribed was signed by the whole Council, and is as followeth

“ May it please Yo^r Excellency

“ Having in obedience to Yo^r Excellencys commands inspected
“into the State of her Majestys Revenue and the management thereof

“since the death of Coll^o William Byrd the late Auditor, We do
“humbly Report to yo^r Excell^{cy} as follows

“That Coll^o Nicholson our late Governor made no new nomina-
“tion of any Person to officiate the said place of Auditor, upon the
“death of Coll^o Byrd, but took upon himself the execution of the
“said Office: In pursuance of which the acco^{ts} of the Quittrents and
“two Shillings per hogshead &c have been made up by the said Coll^o
“Nicholson's directions, and the bills of Exch^a received on acco^t of
“both the s^d Revenues remitted into the hands of M^r Micajah Perry
“Merch^t in London for her Majestys use, Whereupon y^e said Coll^o
“Nicholson being desired by Yo^r Excellency and us, to give in a
“stated accompt under his hand of the said Revenue, and that he
“would make himself chargeable with the same, which we apprehend
“was necessary for the Security thereof, hath not thought fitt to
“sign such an accompt, nor to make himself chargeable for the said
“Revenue as was desired of him as may appear by the proceedings
“on the Council-Journal in relation to y^e said accompts.

“Whereupon we think ourselves obliged humbly to represent
“to Yo^r Excellency that the Revenue of two Shillings per hogshead
“is by the Law of this Country solely appropriated towards the sup-
“port of the Government. That no money hath ever been disposed
“out of the said Revenue but for the support of this Government,
“and so carefull hath her Majesty and her Royal predecessors been
“that it should not be otherwise applyed or diverted, that it hath
“been & is a standing Instruction that no money shal be issued out
“of it but by warrant under the hand of the Governor for the time
“being with the advice & consent of the Council. That by another
“standing Instruction given from time to time to the Governor of
“this Colony it is expressly provided that the Quittrents shal not
“be disposed of but by her Majestys especial order. That Coll^o
“Nicholson the late Governor of this Colony his taking upon him
“the execution of the Office of Auditor of her Majestys Revenue,
“and having received bills of Exchange for a considerable Sum on
“acco^t of the said Revenue, and remitting y^e same into the hands of
“M^r Micajah Perry Merchant in London, from whom (we are appre-
“hensive) they cannot be recalled by yo^r Excell^{cy}s warrant for the
“use of this Government is an irregular method and contrary to all
“former Custom.

“And therefore we pray Yo^r Excellency to represent to her most
“sacred Majesty that we humbly conceive it necessary for her Matys
“Service and the Support of this Government that the money re-
“mitted by the said Bills to M^r Micajah Perry & Comp^a be lodged
“as usual in the hands of her Maj^{ties} Auditor of this Country, and
“that the Revenue of this her Maj^{ties} Colony may be continued for
“the future to be received, lodged and issued in the usual manner
“as hath been practis'd heretofore pursuant to her Majestys Instruc-
“tions and that we humbly pray that directions may be given therein
“accordingly. We are

“Yo^r Excell^{cy}s most humble and obedient Servants.

Then the Council presented the said Report to his Excellency and prayed his favour therein, Unto which his Excell^{cy} was pleas'd to answer to this effect "That he had been a Witness of the Councils "dilligence in the examination of the State of the accompts w^{ch} he "recommended to them, w^{ch} hath been managed by them with all "the smoothness & fairness imaginable, and that as they have desired "nothing in their Report but what he thinks to be highly reasonable, "he will according to their desire represent it to her Majesty and "use his best endeavours for procuring an answer to their Satisfaction.

Ordered that the Clerk of the Council prepare copys of all the Entrys on the Council Book relating to Coll^o Nicholsons execution of the Auditors office together with the Copys of the proceedings on the Journal of this Meeting of Council concerning the Acco^{ts} of the Revenue to be transmitted by his Excellency with the Councils Report and Representation.

A Warrant on William Byrd Esq^r Receiver Gen^l for paying two hundred pounds out of her Majesty's Quittrents to Edm^d Jenings Esq^r pursuant to her Matys direction was signed by his Excellency in Council.

A Warrant on William Byrd Esq^r Receiver Gen^l for paying one hundred pounds Sterling to M^r Commissary Blair out of the Quittrents being for one years Sallary from the 25th of April 1704 to y^e 25th of April 1705 was at y^e request of y^e said Commissary sign'd by his Excellency in Council.

The Journal of the proceedings of this Meeting of Council were read over & approved.

Then his Excell^{cy} asked the Gentlemen of the Council if they had any thing to propose to y^e consideration of this Meeting, and being answered that they knew of nothing further at present. His Excellency adjourned the Council.

Vere Recordat per Wil Robertson Cl Con

At a Council held at her Majesty's Royal Capitol
October y^e 15th 1705

Present

His Excellency Edward Nott Esq ^r &c	
Edmund Jenings	M ^r Com ^{ry} Blair
John Lightfoot	Phillip Ludwell &
Dudley Diggs	Henry Duke Esq ^{rs}
Jn ^o Custis Esq ^{rs}	

John Custis Esq^r nominated by her Maj^{ties} Instructions to be one of her Council for this Colony took y^e Oaths appointed by act of Parliament to be taken instead of the Oaths of Allegiance and Supremacy, the abjuration Oath mentioned in an act of Parliament made in the first year of her Majestys Reign, subscribed the Test and took y^e Oath of a Councelor, and the Oath for the due administration of Justice as a Judge in y^e Gen^l Court.

October 16th 1705*Present*

His Excellency

Edmund Jenings

Jn^o Lightfoot

Dudley Diggs

Benj^a Harrison Esq^{rs}Jn^o Custis Esq^rM^r Com^{ry} BlairW^m Bassett andHenry Duke Esq^{rs}

William Bassett Esq nominated by her Matys Instructions to be one of her Council for this Colony took y^e Oaths appointed by act of Parliament to be taken in stead of the Oaths of Allegiance and Supremacy, the Abjuration Oath mentioned in an Act of Parliament made in the first year of her Maj^{ties} Reign, Subscribed the Test and took y^e Oath of a Councelor, and the Oath for the due administration of Justice as a Judge in the General Court.

Post meridiem present as before & Philip Ludwell Esq^r added

Upon reading at this Board the Petition of William Freeke Commander of the Marlborough Gally of Bristoll mounted with 14 Guns Navigated with 50nen and having a letter of Marque, setting forth that he arrived the 9th instant at Kiquotan from Antegoa having a considerable Cargo to dispose of here, if permission shal be given him to take in freight and to sail as soon as he can get ready for England, and praying that in consideration of the Force of y^e said Vessell and the extraordinary charge it would be to his owners if he should be detained to go under Convoy he may therefore be permitted to sail with freight from hence to England without being obliged to wait for a Convoy; His Excellency and the Council taking into consideration of what Service a Ship of that force may be to y^e Country at this time when no Ship of War is here to guard it from y^e insults of Privateers, and that y^e said Ship when loaded will be very proper and convenient for the safe and speedy conveying for England the Acts and proceedings of the ensuing Assembly and such other dispatches as shal be necessary to be sent upon the conclusion of the Session, Have therefore thought fitt to permitt the said Marlborough Gally to proceed for England as soon as she is laded, provided always that the s^d William Freke shal not depart this Colony with the said Ship untill he have received such pacquets and dispatches as his Excellency shal think fitt to send by him for her Matys Service and the Collectors & Naval Officers of the District where the said Cap^t Freeke shal take in his Lading are to take notice hereof and to conforme themselves accordingly.

Walter Crombie who was formerly appointed Messenger and Door keeper to his Excellency and the Council having quitted y^e said Office upon a Petition this day presented by Charles Cox he is appointed Messenger and Door keeper to his Excell^{cy} & the Council and Ordered to give his attendance accordingly.

October y^e 18th 1705*Present*

His Excellencie

Edmund Jenings
 John Lightfoot
 Dudley Digges
 Benj^a Harrison
 Robert Carter Esq^{rs}

Jn^o Custis Esq^r
 Mr Commissary Blair
 W^m Bassett
 Henry Duke &
 W^m Churchill Esq^{rs}

Her Majesty by one of her Instructions having been pleased to direct that the Quittrents of this Colony be sold by inch of Candle at the respective County Courts to the highest Bidder, But forasmuch as that method hath upon former experience been found very prejudicial to her Majestys Service and a diminution of the said Revenue by the combination of several Persons in the said Countys (where there are generally but few buyers) to purchase the same at a rate far below the worth thereof; It is the opinion of this Board that the method that hath been practised for some years past being more advantageous for her Majestys Service be continued, and accordingly Ordered that Mr Auditor sell the Quittrents to such as shal offer him the greatest price for the same, and for that end that he give publick notice when and where he will receive proposals from Persons that intend to purchase any part of the Quittrents.

Jonathan Yates Carpenter of the Ship Thomas and John now riding in York River having exhibited to his Excellency a Petition of Complaint against Cap^t Robert Ranson Commander of the said Ship for that the s^d Robert Ranson had beat & abused one Valentine Arrison belonging to y^e said Ship by which means he soon after dyed, and his Excell^{cy} having caused the Examinations of sev^{ll} of the seamen belonging to the said Ship to be taken, the same were this day read in Council But it appearing that they are not upon Oath, It is therefore Ordered that Robert Read, W^m Buckner, Daniel Taylor and W^m Barber Gent Justices of the Peace for York County or any two of them be impowered *de novo* to examine upon Oath all and every y^e Officers & Seamen belonging to y^e said Ship touching the matter of the said Complaint and the circumstances of the death of the s^d Valentine Arrison, and that they make Return of their proceedings therein within ten days or sooner if they can conveniently, and Ordered that y^e Sherif of York County give notice to y^e s^d Justices of this order.

October the 22^d 1705*Present*

His Excellency

Edmund Jenings
 Jn^o Lightfoot
 Dudley Diggs &
 Benj^a Harrison Esq^{rs}

Robert Carter &
 John Custis Esq^{rs}
 James Blair Com^{ry} &
 W^m Bassett Esq^r

His Excellency was pleased this day to communicate to y^e Council the heads of a speech which he intended to make to the General Assembly and desired the advice of the Council what may be proper to be further recommended to y^e Assembly at this time, which the Council think fitt to refer for more full consideration till tomorrow.

October y^e 23^d 1705

Present

His Excellency

Edmund Jenings

John Lightfoot

Dudley Digges

Benj^a Harrison &

Robert Carter Esq^{rs}

John Custis Esq^r

M^r Com^{ry} Blair

Philip Ludwell

W^m Bassett &

W^m Churchill Esq^{rs}

Whereas M^r Auditor Byrd hath represented to this Board that by reason of the unwarrantable Liberty taken by the Sherifs of several Countys in paying the Tobacco received by them at such places as they think fitt, and many times very inconvenient for the purchasers, the value of the said Quitt rent tobacco is much lessened; for remedy whereof untill further provision be made by Law, It is the opinion of the Council and accordingly Ordered that the Sherifs of the respective Countys do pay the Tobacco collected by them for her Matys Quittrents unto the purchasers thereof, according to the proportion of good and convenient tobacco received by them on acco^t of the said Quittrents, and if any Sherif shal presume to impose upon the purchaser of the Quittrents a greater quantity of inconvenient or less valuable tobacco than he hath received for y^e same, upon complaint made thereof, this Board will proceed ag^t him as such a pernicious practice tending to the diminution of her Majestys Revenue deserves.

And for the further preventing the frauds and abuses that may be committed by the Sherifs and Receivers of her Maj^{ties} Quittrents or other publick dues, This Board do conceive it proper for the consideration of the Gen^l Assembly to pass a Law for regulating the payment of her Majestys Quittrents and other publick dues with suitable Restrictions for obviating the abuses now complained of.

Whereas it is necessary for her Maj^{ties} Service that the present Auditor be impowered to administer to the respective Naval Officers and Sherifs an Oath to their several acco^{ts}, This Board think fitt to refer it to M^r Attorney Gen^l to consider and report his opinion w^{ch} is y^e most proper way to qualify M^r Auditor to administer such Oaths to the said Officers.

Unto which M^r Attorney Gen^l gave in his Report as follows.
“ October y^e 23^d 1705. Upon perusal of the above written Case
“and order, I do conceive and am of opinion that his Excellency &
“Council may Commissionate any Person to administer an Oath
“wheresoever the Case requires any such examination, and do con-
“ceive that it is for her Maj^{ties} Service that such Oaths should be

“administred, and I conceive by none more proper than by M^r Auditor, “but particularly impowered thereunto because I am of opinion he “has not as yet that authority, and therefore may have a particular “Commission for the abovesaid purpose.

S. Thomson A G

His Excellency in Council approving of the said Report doth hereby Order that M^r Attorney prepare a Commission to W^m Byrd Esq^r the present Auditor impowering him to administer to the several Naval Officers and Sherifs an Oath to the truth of their acco^{ts}.

Upon representation made to this Board that some of the Naval Officers make up their acco^{ts} very irregularly, and that one certain Forme to be observed by all the said Officers would be very expedient for avoiding the irregularitys complained of in the said acco^{ts}. It is ordered that M^r Auditor Byrd prepare a Scheme for the direction of the said Naval Officers in the method of making up their acco^{ts} for the future w^{ch} Scheme is to be sent herewith to the said Officers, and no acco^t to be past hereafter but what shal be made up according to y^e s^d Scheme.

Henry Duke Esq^r present

Ordered that a Commission be prepared impowering Philip Ludwell, W^m Bassett, Henry Duke & W^m Churchill Esq^{rs} or any two of them to administer the Oaths appointed by Law to the Gentlemen of the House of Burgesses and their Clerk.

His Excellency was pleased this day to communicate to the Council a Speech w^{ch} he intended to make to y^e Gen^l Assembly with which the Council did unanimously declare their satisfaction and approbation.

October the 24th 1705

Present as yesterday

In obedience to an order of Council dated the 18th instant W^m Buckner and William Barber Gent Justices of the Peace for York County return'd an account of their proceedings in taking the Depositions of the Officers & Seamen belonging to y^e Ship Thomas and John touching the Complaint of Jonathan Yates Carpenter ag^t Cap^t Robert Ranson Com^{der} of the s^d Ship concerning the death of Valentine Arrison a Seaman belonging to y^e s^d Ship. Ordered that the s^d Depositions be delivered to M^r Attorney Gen^l to whom it is refer'd to consider and Report his opinion what is proper to be done thereupon.

October y^e 25th 1705

Present

His Excellency

Dudley Digges

M^r Commissary Blair

Banj^a Harrison Esq^{rs}

Philip Ludwell &

W^m Bassett Esq^{rs}

A Commission to W^m Byrd Esq^r Auditor of her Maj^{ties} Revenue empowering him to swear the respective Collectors of the 2^s per hogsh^d &c and Sherifs to y^e truth of the acco^{ts} of the Revenue collected by them was this day sign'd by his Excellency in Council.

October y^e 26th 1705

Present

His Excellency

Edm^d Jenings
Dudley Digges
Benj^a Harrison
Robert Carter &
Jn^o Custis Esq^{rs}

M^r Com^{ry} Blair
Philip Ludwell
W^m Bassett
Henry Duke &
W^m Churchill Esq^{rs}

Four of the Great men of the Nottoway Indians this day attended his Excell^{cy} in Council, and by Henry Briggs their Interpreter inform'd his Excell^{cy} that their King and some other of their Nation were about two years agoe taken and carryed away by certain Indians living on Susquehanna River, their King and two children being detained by a Nation called the Tommakitons living on the said River and a woman by the Susquehanna Indians, and prayed his Excell^{cy's} assistance in procuring their Release: Whereupon his Excell^{cy} by advice of the Council acquainted them, that he would write to the Governor of Maryland to direct the Indian Traders in that Government to enquire for the said Prisoners, and endeavour their Release according to their desire.

Four of the Great men of the Nottoway Indians by their Interpreter Representing to his Excell^{cy} that several of their Nation having cleared and tended some Plantations without the bounds allowed them by act of Assembly, and praying that they may not be turn'd out of possession of y^e same, It is Referred to Collonel Harrison to make enquiry what quantity of Lands are cleared and tended by the s^d Indians without the bounds allowed them by Law; and if any Person have Entred for the said Lands or any part thereof, and Report y^e same to this Board to the end that when Patents shall be granted to such Persons, the possession of the said Indians may be reserved to them for such time as shall be thought reasonable, and in the mean time Ordered that y^e said Indians be not molested in their possession.

October the 27th 1705

Present

As yesterday

Ordered that it be referred to M^r Attorney General to prepare a Proclamation for prohibiting all Trade & Commerce with France and restraining all Traitorous correspondence with her Matys Enemys according to y^e two acts of Parliament made for those purposes.

Ordered that M^r Attorney Gen^l prepare a Proclamation for the publication of the act of Parliament for encouraging the importation of Naval Stores from y^e Plantations.

The Petition of several Persons who have entred for Land on y^e Southside of the Blackwater Swamp, Read & Referred for further consideration when the business of the Gen^l Court is over.

October y^e 30th 1705

Present

His Excellency

Edmund Jenings

Dudley Digges

Benj^a Harrison

Robert Carter

John Custis Esq^{rs}

M^r Com^{ry} Blair

Philip Ludwell

Henry Duke &

W^m Churchill Esq^{rs}

Whereas the College of William and Mary was by a dreadful fire consumed last night His Excellency was pleased this day very earnestly to recommend to the Council the examining into the cause of that sad disaster. The Council do unanimously concur in opinion with his Excellency that such an examination will be a great satisfaction to all Persons whatever the event may be, and therefore agree that a message be sent to the house of Burgesses to desire them to appoint some of their members to assist at y^e s^d Examination.

A Letter from Coll^o William Bassett excusing his absence from Council by reason of his Lameness was this day read and his excuse admitted.

The Petition of Claude Philip de Richebourg in behalf of himself and the rest of the French Refugees settled at Manicantown and parts adjacent praying that y^e quantity of land allowed to Persons imported into this Colony may be given to each of them read and referred to y^e consideration of the house of Burgesses.

November the 2^d 1705

Present

His Excellency

Edmund Jenings

Dudley Diggs

Benj^a Harrison

Robert Carter

John Custis Esq^{rs}

M^r Com^{ry} Blair

Philip Ludwell

Henry Duke &

W^m Churchill Esq^{rs}

His Excellency by advice of her Matys Council signed the following Warrants on the Auditor to be paid out of her Matys Revenue of two Shillings per hogshead Viz

To his Excellency for Seventy six days Sallary ending the 25th of October last four hundred & Sixteen pounds eight Shillings & nine-Pence.

To his Excellency for House rent ending the same time thirty one pounds four Shillings and Sevenpence.

To the Gentlemen of her Maj^{ties} Council half a years Sallary ending y^e same time one hundred seventy five pounds.

To W^m Blathwayt Esq^r her Maj^{ties} Auditor &c half a years Sallary ending y^e same time fifty pounds.

To Nathaniel Blakiston Esq^r Sollicitor of the Virginia affairs half a years Sallary ending y^e same time fifty pounds.

To Stephens Thomson Esq^r Attorney Gen^l half a years Sallary ending y^e same time twenty pounds.

To William Robertson Clerk of the Council half a years Sallary ending y^e same time twenty five pounds.

To Edward Ross Gunner at James City half a years Sallary ending y^e same time Seven pounds ten Shillings.

To M^r Commissary Blair for so much paid several Ministers for their attendance on Gen^l Court & Assembly ten pounds.

To the Clerk of the Council for several messages Six pounds nineteen Shillings & four Pence farthing.

To William Byrd Esq^r for Law Bookes & other things for the use of his Excell^{cy} and y^e Council fifty nine pounds nineteen Shill^s & 3 Pence.

And also a Warrant for fifty pounds to M^r Commissary Blair as half a years Sallary out of the Quittrents, and another Warrant for thirty pounds to M^r Attorney General for his half years additional Sallary out of the Quittrents pursuant to her Matys order.

Upon the Petition of Edmund Jenings Esq^r Ordered that he be paid the Sum of Eighteen pounds one Shilling & fourpence out of her Majestys Revenue of two Shillings per hogshead being so much expended by him in England for y^e Queens arms stained in Glass, and other Ornaments for the use of the General Court house, and Ordered that a Warrant be prepared accordingly.

The Petition of several Inhabitants of Virginia & Maryland on y^e Eastern Shore Complaining that the Officers of y^e Customs on y^e Eastern Shore of this Colony exact the duty of two Shillings per hogshead for all tobacco brought from Maryland and ship'd there altho the said duty hath been paid in Maryland, is rejected, the taking of y^e said duty being according to her Maj^{ties} Instructions.

John Crofts Gent by his Petition setting forth that George Luke Esq^r Collector of the Customs in the Lower District of James River did at his going for England appoint him the said Crofts to be his Deputy in the said office, and that notwithstanding thereof he hath hitherto been kept from y^e Execution of the said Office and praying to be admitted according to his Deputation now produced in Council, It is the opinion of the Council that the said Crofts hath a right to act as Deputy Collector of the Lower District, and Ordered that he be admitted giving good security for the due Execution of the said Office.

November the 3^d 1705

Present

The same as Yesterday

Upon the Petition of Edward Danby, Ordered that he be ad-

mitted Pilot for Elizabeth River and that a Commission be granted him accordingly.

Whereas it hath been doubted whether small Vessells trading from North Carolina ought to pay the Governors dues, It is the opinion of the Council that the said duty ought to be paid by all Vessells that are or ought by Law to be registred.

Upon reading the Petition of several Persons who have entered for Land on y^e South side of the Blackwater Swamp setting forth that by an order of the late Governor and Council dated the 23^d of August 1702 It was declared that the Land on y^e South side Blackwater Swamp should be Laid open after the 20th of November then next coming, and that then all her Maj^{ties} Subjects should have full liberty to take up & Patent the s^d Lands in the accustomed manner, Upon the publication of which order the Petitioners and several other Persons were at great charges & trouble in purchasing Rights and making discoveries in order to take up and Patent some parts of y^e said Land according to y^e said Order, Many of which Rights to a considerable value were purchased of her Majesty for ready money paid her Majestys Auditor. That at y^e aforesaid time the Petitioners and diverse other Persons did make Entry in y^e accustomed manner with the Surveyors for several Parcels of the said Land, and some few parcells were Surveyed; but in a short time afterwards the Surveyors pretending they were forbid by the said late Governor, refused to proceed any further to the great prejudice of the Pet^{rs} by hindring them from obtaining Patents for the said Lands so by them entred for, and praying Right may be done them therein; It is the opinion of her Maj^{ties} Council that it is for her Maj^{ties} Service and the advancement of her Revenue, & accordingly Ordered that all Persons that have procured Rights and made Entry for any Parcell or Parcels of Land on y^e Southside Blackwater Swamp at the time appointed by the aforesaid Order of Council bearing date the 22^d of August 1702 have Liberty to Survey and Patent y^e same according to the Laws and usage of this Colony. But forasmuch as it hath been represented to this Board, that some Parcels of the said Land are entered for and claimed by different Persons, It is further Ordered that no Survey be made of any Parcel or Parcels of Land where y^e claim or Title to y^e same is in dispute untill the pretensions of such Persons be heard & determined by his Excell^{cy} & the Council. And for hearing & determining of all Controversys relating to y^e said Lands, His Excell^{cy} by advice of the Council doth hereby appoint y^e second day of the next General Court, at w^{ch} time all Persons pretending interest in y^e said contraverted Lands are required to attend. And Ordered that y^e Surveyors of y^e Countys where the said Lands ly attend his Excell^{cy} and the Council on the s^d 2^d day of the next Gen^l Court bringing with them all books & papers which they have relating to y^e said Lands in order to y^e better clearing of the said Claimes and pretensions. And the Sherifs of the Countys of Prince George, Surry, Isle of Wight and Nansemond are hereby required to cause this order to be published at their respective County Courts.

His Excellency in Council signed diverse Patents for Land granted several Persons according to a List thereof presented by M^r Secretary.

M^r John Tullet having purchased Rights of M^r Auditor Byrd for seventeen thousand six hundred & fifty acres of Land in Henrico County, and a Patent being this day presented to be signed for y^e same, His Excell^{cy} was pleased to ask y^e advice of y^e Council whether it be for her Matys Service to grant so great a quantity of Land to one Person, And it being represented to this Board that y^e s^d Tract of Land is for the most part barren & unfitt for tillage & planting and so not like to be taken up by any other, and that y^e s^d Tullet hath taken up y^e same cheifly upon a prospect of discovering some Mines thereon. The Council are of opinion that it is for her Matys Service and y^e advancement of her Revenue that y^e s^d land be granted to y^e s^d Tullet and accordingly his Excell^{cy} signed a Patent for y^e same.

Major Arthur Allen having together with a Petition exhibited an accot^t of Charges in laying out the Nottoway Indians land round their Town pursuant to y^e Act of Assembly: but not producing any Survey or Platt of y^e same It is ordered that he transmitt a Platt of the said Land forthwith to the Council Office: and in y^e mean time his Petition and account are thought fitt to be refered to y^e consideration of the House of Burgesses.

Pursuant to the order of yesterday M^r John Crofts Deputy Collector of the Customs in the Lower District of James River Entered into Bond in y^e Sum of five hundred pounds with M^r Henry Jenkins and M^r Daniel Sullivan his securitys for the due Execution of his Office, and then the said John Crofts took the Oaths appointed by act of Parliam^t to be taken instead of the Oaths of Allegiance & Supremacy, the abjuration Oath Subscribed the Test and took the Oath of a Collector.

A warrant on y^e Auditor to pay Eighteen pounds one Shilling & four Pence to M^r Secretary Jenings pursuant to the order of yesterday was signed by his Excellency in Council.

November the 7th 1705

Present

His Excellency

Edm^d Jenings
Dudley Digges
Benj^a Harrison
John Custis Esq^{rs}
M^r Com^{ry} Blair

Philip Ludwell
W^m Bassett
Henry Duke &
W^m Churchill Esq^{rs}

This day the proceedings of the Council since the 15th of October were read over & approved.

It is Resolved and agreed by his Excell^{cy} and the Council that if by reason of Sickness or any necessary or urgent occasion any of the Council go away before the proceedings are read over, the Major

part of the Council that were present and remain shal cause the sev^{ll} orders and proceedings to be read over, and approve of y^e same as if they had been read in a full Council, so as the Clerk may then enter the same on the Council books.

November the 10th 1705

Present

As before

Coll^o William Tayloe having presented a Petition to his Excell^{cy} praying allowance for Several Expresses sent by him in the year 1704 to the Governor and M^r President Byrd concerning the murther committed by the Nansiatico Indians, according to an account given in amounting to y^e Sum of £14-19^s which Petition and acco^t being considered by this Board It is ordered that y^e s^d Sum of fourteen p^{ds} nineteen Shillings be paid by M^r Auditor Byrd to y^e s^d Coll^o Tayloe out of her Matys Revenue of 2^s per hh^d.

Upon the Petition of Daniel Sullivan in behalf of Humfry Myers praying that a Patent for fifty acres of Land lying in Nansemond County may be issued in y^e name of the s^d Myers, the said Land being granted to him by S^r Edmund Andros late Governor of this Colony as escheated from one Michael Wilcox. Ordered that it be referred to M^r Secretary to enquire if any Patent have already issued for y^e s^d Land, and if not that a Patent be granted to y^e s^d Humphry Myers according to y^e s^d Petition.

November the 12th 1705

Present

His Excellencie

Edmund Jenings

Robert Carter

John Custis Esq^{rs}

James Blair Com^{ry}

Philip Ludwell

W^m Churchill Esq^{rs}

For the better improvement of her Maj^{ties} Revenue of Quitt-rents and discovering of concealed Lands It is this day Ordered in Council that the Sherifs of the respective Countys be required to use their utmost endeavors to discover all Lands held of her Maty in their s^d Countys, and for that end that they demand of every Freeholder an acco^t what quantity of Land he holds, and where y^e Sheriff shal suspect that any Person holds more land than he hath given an account of, he shal make dilligent enquiry into y^e same, and make Return thereof upon the foot of the Rent roll, and at y^e same time shal give notice to the possessor of the said Land that if he will not cause a Resurvey to be made of y^e same, directions will be given for Surveying it, and the Overplus Land above what is contained in the Patent or Deed disposed of according to the Law in such Cases, and where there are any Tract or Tracts of Land held by any Person living out of the County and no tennant nor effects on y^e Land to

answer the said Quittrents, the Sheriff shal take y^e best account he can get of the quantity of the said Land and by whom held and return y^e same on the foot of the Rent roll and for y^e encouragement of the Sherifs to make discoverys of concealed Lands His Excellency in Council doth hereby declare that y^e s^d Sherifs shal have the full Quittrents for this year of all Lands that have been Patented above two years last past and never p^d Quittrents. And for discovering the arrearages of all Quittrents due to her Majesty It is Ordered that the Sherifs of the several Countys require of every Freeholder the last acquittance he has for y^e Q^trents of his said Lands and shal insert the date thereof in one Column of his Rent roll, and for y^e encouragement of the Sherifs to be dilligent in discovering all arrears of Q^trents, His Excell^{cy} in Council doth further declare that where any arrears of Quittrents shal be discovered a suitable Reward shal be given to the Sherif out of y^e same according to the discovery he shal make. And whereas the Rentrolls of former years would very much contribute to the enabling the several Sherifs to performe the Service hereby required of them, And the Rentrolls of the year 1704 being unfortunately destroyed in y^e late dreadful fire in William & Mary College It is ordered that M^r Auditor Byrd transmitt to y^e respective Sheriffs the Rentrolls returned for their Countys for y^e year 1703 and the s^d Sherifs are to desire of their immediate predecessors the Rentrolls of their respective Countys for y^e year 1704 to y^e end that upon inspection of the same, they may be better able to discover any concealments that may be made or intended for this year, And ordered that M^r Auditor Byrd prepare a Scheme to be sent herewith for the direction of the Sherifs in y^e making of their Rentrolls in an Alphabetical manner having regard to the directions herein before mentioned, according to which method the s^d Sherifs are hereby required to return their Rent rolls upon Oath at next April General Court.

Whereas there are many Tracts of Land held by Persons living out of the County where y^e said Lands ly, and in many places not occupied by any Person nor effects thereon to answer her Maj^{ties} Quittrents by w^{ch} means the Sherifs are disabled from obtaining paym^t of the same. It is therefore Ordered that y^e Sherifs of y^e several Countys use their utmost dilligence in discovering and making due Return of all Lands held by any Person or Persons whereof the Q^trents shal not be duly answered & paid unto them, and upon such Return made by the Sherifs this Board will give directions to her Maj^{ties} Attorney Gen^l to prosecute all such Persons as have not made due payment of their said Quittrents as well for this present year as all other Arrears that shal be found due to her Maj^{tie} for y^e said Lands. And ordered that the Sherifs of the respective Countys cause publication hereof to be made in all Churches, Chappels and Court houses in their said Countys.

For the better obtaining a perfect Rentroll of all Lands held of her Majesty in this Colony according to the directions of y^e most hon^{ble} the Lord high Treasurer of England signified in his letter of the 2^d of April 1705 and Memorial therewith sent, It is ordered that

M^r Secretary prepare an Abstract of all Patents for Lands granted from the first settling of this Country so far as can be collected from the Records of his office, and for discovering to whom the same may happen to be transferred, It is further Ordered that he give directions to the Clerks of the several County Courts to search the Records of their offices and return an accot^t to whom the Lands granted by these Patents have been from time to time conveyed, and who are the present possessors of the same.

Ordered that the Clerks of the several County Courts within this Colony be and they are hereby required forthwith to transmitt to the Secretarys office for her Majestys Service a true copy of the List of Tithables taken in their respective Countys for this present year 1705.

November the 13th 1705

Present

His Excellencie

Edmund Jenings

M^r Commissary Blair

Dudley Digges

Philip Ludwell

Robert Carter

W^m Bassett

John Custis Esq^{rs}

Henry Duke &

W^m Churchill Esq^{rs}

His Excellency by advice and consent of her Matys hon^{ble} Council was pleased to nominate & appoint Justices of the Peace for the several Countys and Ordered that Commissions be forthwith prepared according to y^e List of the said Justices w^{ch} is hereby directed to be entered in y^e Secretarys office.

November the 14th 1705

Present

The same as yesterday & Benj^a Harrison Esq^r added

Upon the Petition of Francis Makemie, Ordered that Lieu^t Coll^o Tully Robinson permitt the Pet^r to have a Sight of the anchor & Cable taken up some years agoe by an Indian in Accomack County and delivered into the possession of the said Robinson, and if after Sight of the said anchor and Cable, the said Makemie can prove them to be his before y^e Court of Accomack County, It is Ordered that y^e same be delivered up to the Pet^r he paying such reasonable Salvage as shal be awarded by y^e s^d Court.

November y^e 15th 1705

Present

The same as yesterday

M^r Auditor Byrd having this day laid his acco^{ts} of the 2^s per hogshead Port duties and head money before his Excellency and y^e

Council for examination Upon proceeding thereon there appeared an unusual article on the Credit side in these words Viz "To bills of Exch^a sent to Mess^{rs} Micajah Perry and Comp^a by Francis Nicholson Esq^r being part of M^r Custis's acco^t £46-19^s-10^d" whereupon M^r Aud^r Byrd being heard concerning y^e said article, It is Ordered that y^e same be allowed to stand in y^e acco^t and that y^e reason for allowing y^e same remain as a Memorandum on the Council Books Viz that at y^e going out of the last Fleet in July M^r Hancock Custis remitted to Coll^o Nicholson the late Governor the aforesaid Bills for £46-19^s-10^d being in part of her Matys Revenue of two Shillings per hogshead Port dutys and head money arising in y^e Eastern Shore District from the 20th of April then last past, but had no stated accompt thereof past by the s^d Coll^o Nicholson, and M^r Custis having now made up this last half years acco^t of the said Revenue entire with the present Auditor; It seems reasonable to this Board that y^e said Bills being part of the money due for y^e said half years Revenue should be discounted by M^r Auditor, it appearing by the copy of an acco^t given in by Coll^o Nicholson that the said bills were paid to him and remitted into the hands of M^r Micajah Perry & Comp^a for her Maj^{ties} use.

A doubt being made concerning the article of fifty pounds charged in M^r Auditor Byrds acco^t allowed to y^e Sollicitor of the Virginia affairs as taking in about three months before his Nomination to that office, in which time it was void, It is y^e opinion of the Governor & Council that in regard of the more than ordinary trouble given him at this time from this Board, It is reasonable to allow him y^e full half years Sallary, there being no other Person in that office for that time.

Ordered that the Clerk of the Council Certify on the foot of M^r Auditor Byrds acco^t that y^e same is examined and past by his Excell^{cy} & y^e Council Referring to the Council Journal of this date for the observations on the two aforementioned articles.

Upon reading at this Board a Letter from the most hon^{ble} Sidney Lord Godolphin Lord high Treasurer of England dated the 4th of June 1705 whereby it is directed that M^r Auditor Byrd lay before his Excell^{cy} and y^e Council all his fathers acco^{ts} as Auditor of her Matys Revenue since his first Entry on y^e said Office in order to be examined. Ordered that M^r Auditor Byrd be required as soon as may be to lay all the said acco^{ts} with their proper Vouchers before this Board for Examination pursuant to the directions of the aforesaid Letter.

Coll^o John Lightfoot by a Lett^r to his Excell^{cy} excusing his absence from Council by reason of his indisposition, his Excuse is admitted.

Whereas it hath been represented to this Board that the Naval Officers of Potomack and y^e Eastern Shore living so remote from y^e Seat of the Government cannot without great trouble and Charge attend here twice a year to make up their acco^{ts}; it is y^e opinion of the Council & accordingly ordered that if by reason of sickness or any Extraordinary hindrance the s^d Naval Officers cannot attend personally with their acco^{ts} in April and October as y^e Naval Officers

are required to do, that then they be allowed to make Oath to y^e same before two Justices of the Peace of the County where they live, and transmitt the said acco^{ts} with the attestation of the said Justice on the foot thereof to her Maj^{ties} Auditor, provided that once within the year they attend the Auditor in order to settle and adjust their said acco^{ts} and rectify any mistake therein.

November the 16th 1705

Present

His Excellency

Edm^d Jenings
Dudley Digges
Benj^a Harrison
Rob^t Carter Esq^{rs}

John Custis Esq^r
M^r Com^{ry} Blair
W^m Bassett
Henry Duke &

W^m Churchill Esq^{rs}

Upon consideration of the Act of Assembly Entituled *Supersedeas* how to be granted, w^{ch} directs that no *Supersedeas* be granted but by the Govern^r and two of the Council, the Council are of opinion that it seems most agreeable to y^e meaning of the Law that y^e Gov^r and two of the Council should be present together at y^e granting of such Writts of *Supersedeas*.

Philip Ludwell Esq^r present

Coll^o John West representing to his Excellency that he was named in the Commission of the Peace for King and Queen County (by S^r Edm^d Andros) before the same was divided, but before he could take y^e Oaths the late Gov^r Coll^o Nicholson came in, Whereupon by mistake he was left out of y^e next Commission, and after the division of the County was put in y^e Commission of the Peace for King William County after M^r John Waller, but upon application made to y^e said late Governor he rectified that mistake, and put him next to M^r Fox, and therefore he prayed to be continued in the same place. And his Excellency having thereupon laid the representation of the said West before the Council, they are thereupon of opinion that there is no cause to make any alteration in their former appointment, it appearing by the said Coll^o Wests own confession as well as by the Records of the Secretarys Office that he did not serve as a Justice of the Peace by vertue of the aforesaid Commission from S^r Edmond Andros and that M^r John Waller hath been always in the Commission of the Peace since, untill he was lately left out.

November the 19th 1705

Present

His Excellencie

Dudley Diggs
Benj^a Harrison
John Custis Esq^{rs}

M^r Commissary Blair
Philip Ludwell Esq^r

This day William Byrd Esq^r her Maj^{ties} Aud^r came before his Excell^{cy} & Council and acquainted them that by an Instruction from the hon^{ble} William Blathwayt Esq^r Aud^r Gen^l of America it is directed that y^e accompts of her Maj^{ties} Revenue be sworne to before the Gov^r & Council and therefore he had brought his acco^t to this Board and was ready to make Oath to y^e same, and accordingly made Oath to y^e truth of the s^d acco^{ts} before his Excell^{cy} in Council.

Upon Complaint made to this Board by y^e Minister and Six of the Vestry of St Johns Parish in King William County, Ordered that the Clerk of the Council write to the Churchwardens of the said Parish that if they do not cause a Vestry to be legally called and give their attendance at y^e same in order to do the Parish business and bring the Vestry books and deposite them where they ought to be Lodged, this Board will be obliged to send for them to render their reasons for their refusal.

November y^e 20th 1705

Present

His Excellencie

Dudley Digges

Benj^a Harrison

Rob^t Carter

John Custis Esq^{rs}

M^r Commissary Blair

Philip Ludwell

W^m Bassett Esq^{rs}

His Excellency was pleased to ask y^e advice of the Council, pursuant to her Majestys Instructions, as to M^r Hancock Custis's being continued Naval Officer of y^e Eastern Shore District, Upon which the Council are of opinion that he being now removed from his fathers house and having a Settlement of his own, they have no Objection ag^t his being continued in that Office.

November the 21st 1705

Present

His Excellencie

Edm^d Jenings

Dudley Digges

Benj^a Harrison

Robert Carter Esq^{rs}

M^r Commissary Blair

W^m Bassett

Henry Duke Esq^{rs}

Upon Complaint made to his Excellency by two French Prisoners of War, that W^m Davie M^r of the Ship two Brothers now in Nansemond River, having got them from the Captain of the man of war by whom they were taken in y^e West Indies, in order to assist in his said Ship, hath turn'd them away here without taking any care to return them where they may be exchanged, or giving them any thing for their Subsistance. Ordered that y^e s^d Davie be required forthwith to appear before his Excell^{cy} in Council to answer the said Complaint.

Major Peter Beverley Treasurer of the Impositions on Liquors Servants and Slaves came this day before his Excellency in Council, and made Oath to his acco^t of y^e said Impositions.

November the 24th 1705

Present

His Excellency

Edm^d Jenings
Robert Carter Esq^{rs}
M^r Com^{ry} Blair

Philip Ludwell
W^m Bassett &
Henry Duke Esq^{rs}

His Excellency having this day read an Address from y^e House of Burgesses wherein they pray a present Recess, was pleased to ask the advice of the Council thereupon, who are of opinion that considering the shortness of y^e Session, the shortness of the days, and the inconveniency of Lodging as set forth in the said Address, it may be convenient to grant them a Recess: but that y^e House being at this time considerably advanced in reading the Revised bills, it will very much shorten their business at another Meeting if they continue to sitt till Friday next, and that it will be better to give them leave to adjourn than to prorogue them, because the first continues all matters as they now stand, and the latter setts aside all Bills not past, so that they must begin anew. And that the 24th of April next is the most proper time for their next Meeting, Whereupon a Message was prepared & signed by his Excell^{cy} in answer to the afores^d Address pursuant to the opinion of the Council.

November y^e 26th 1705

Present

His Excellencie

Edm^d Jenings
Dudley Digges
Robert Carter Esq^{rs}

M^r Com^{ry} Blair
Philip Ludwell
Henry Duke Esq^{rs}

Whereas the Arms and Ammunition sent in by her Majesty for y^e Service of the Militia of this Country lyes now at James City and by y^e slow & inconsiderable sale that hath hitherto been made thereof it is very improbable that any quantity can be expected to be sold as was intended, occasioned partly by the high price sett thereon, and partly by the poverty of the Inhabitants who are not able to purchase y^e same for ready money especially whilst their only Commodity Tobacco bears so low a price; His Excell^{cy} having recommended to y^e Council to consider what may be most for her Matys Service in relation to the disposition of the s^d Arms and Ammunition. The Council do thereupon humbly represent to his Excellency that the Storehouse at James City where they now ly is very unsafe for keeping y^e said arms, and may be dangerous to this Country, it lying upon a Navigable River where there is no Fortification nor other

defence, so that they are lyable to be surprised not only by any Pirate or Privateer who shal attain to the knowledge of the condition they ly in, but also easily seized by our own Serv^{ts} and Slaves or any ill disposed Persons and made use of ag^t the Country in case any Insurrection should happen. And therefore are of opinion that it will be very effectuall for the preservation of the arms from being spoiled by rust, and the dangers of surprize abovementioned & be also very serviceable to the Country that y^e same be dispersed through the several Countys in proportion to y^e number of Inhabitants and y^e wants of the said Countys that the said Arms be intrusted to the Commander in Cheif of the Militia of each County, and where the Commander in Cheif doth not live in the County, the Cheif officer resident in each County who may be directed to distribute y^e same to such of the Inferior Officers of the Militia as he will be answerable for to be by them kept in good order and fitt for Service, and to be made use of only upon an Alarm. Which officers may also have power to sell the said arms at the price already sett thereon if an offer be made for y^e same rendering an acco^t of the price to the Cheif Officer in each County, who is from time to time to give an acco^t to his Excell^{cy} of the condition of y^e said arms and y^e number so sold, & account to y^e Aud^r for the price thereof. That a proportionable quantity of Shott may be sent to every County to be kept in y^e custody of the Cheif Officer of the Militia or such other Inferior Officers as he shal think proper for the Service of the Militia and not to be used but ag^t an enemy. That the Powder be distributed throughout the several Countys of this Colony in manner following Viz to each of the Countys of Stafford, Richmond, Essex, Henrico, Prince George, and Surry being the Frontier Countys towards the Land, there be sent the quantity of four barrels of Powder. To each of the Countys of Princess Anne, Elizabeth City, Northampton and Accomack being the Frontier Countys towards Sea be sent the like quantity of four barrels including what hath been already sent thither. To each of the Countys of King and Queen, King William, New Kent, Charles City, Isle of Wight, Nansemond, Norfolk, Gloucester, Middlesex, Lancaster, Westmoreland & Northumberland be sent the quantity of two barrels of Powder. That one half of the Powder so distributed be kept for y^e supply of the County on any emergency, and the other half sold by the Cheif Officer to whom it is entrusted at y^e rate of 2^s per pound (which it is hoped it may yeild at this time when Powder is scarce) for w^{ch} he is to be accountable to the Auditor in order to supply the Country with new Powder in the room thereof, And y^e said Officers respectively are to take care that none of y^e said Powder be sold to any but such as are listed in y^e Militia. That the remaining part of the Powder be removed from James City and lodged at Williamsburgh as more safe from surprize by water and more convenient for supplying the adjacent Countys.

Her Maty having been graciously pleased to send in a supply of Arms and Ammunition for y^e Service of the Militia of this Colony and to permitt y^e same to be sold and the price thereof accounted for to her Majestys Receiver General, several endeavors have been

used to sell the said arms at a small advance on the first Cost to reimburse her Majesty for y^e same and y^e incident charges accruing thereon, and tho the said arms are very necessary and much wanted for the defence of the Country, yet the poverty of the Inhabitants and their inability to procure the price thereof in money hath hitherto obstructed y^e said sale, to which the high price of y^e said Arms (being more than y^e Merchants generally demand for arms of the like kind when purchased for tobacco) hath not a little contributed; His Excellency and y^e Council do humbly offer to the consideration of the R^t hon^{ble} the Lords Comm^{rs} for trade and Plantations that if an abatement were made of the price already set on y^e s^d arms, it would be a means to quicken y^e sale thereof, and thereby the Militia of this Colony would be much better provided for its Service & defence, and her Matys Revenue exempted from an annual charge which will necessarily accrue for cleaning and keeping y^e said Arms.

Whereas the distributing the arms & ammunition according to the advice of the Council this day given, will be very difficult at this Season, and the County of Stafford being a Frontier County & most exposed to danger requiring a speedy supply of Powder, Ordered that Coll^o Robert Carter be desired to convey unto y^e said County of Stafford a barrell of powder formerly sent to him for y^e use of Lancaster County, and that y^e same be again supplied when the Powder is distributed.

Coll^o Philip Lightfoot having petitioned for a *Supersedeas* to stop the execution of an order of James City County Court dated the 6th of October last past, whereby it was Ordered that y^e Sherif of the said County should take the said Coll^o Lightfoots Negro named James into his custody and see him forthcoming at y^e Next Court, there to receive thirty one Lashes on his bare back well laid on at the Common whipping post of y^e said County, Upon consideration of which Petition and of the 10th act of Assembly made the 8th of June 1680. It is ordered that a Writt of *Supersedeas* be granted, the Pet^r giving security to have his Negro forthcoming at the Gen^l Court. But forasmuch as y^e s^d Judgm^t being for a corporal punishm^t for which y^e reasons are not set forth in y^e order of Court and that by granting this *Supersedeas* the punishment will be avoided in case no plaintiff appear; the Court of James City County are desired to appoint two of their members who were present at y^e passing of the afores^d Judgem^t to appear at y^e Gen^l Court and give an acco^t of y^e reasons upon which the said Judgement proceeded.

Whereas by mistake in copying out y^e List of the Justices of Peace for York County M^r W^m Penkethman is omitted to be inserted therein. Ordered that M^r Secretary be desired to call for y^e said List and insert W^m Penkethman in y^e same place he had in y^e former Commission.

November the 27th 1705

Present

His Excellencie

Edm^d Jenings

James Blair Com^{ry}

Dudley Digges

Philip Ludwell

Rob^t Carter Esq^{rs}

W^m Bassett &

Henry Duke Esq^{rs}

His Excellency having in pursuance of her Majestys Instructions desired the advice of the Council as to his nomination of Naval Officers or continuing those already in office if there be no objection ag^t them. The Council are thereupon of opinion that Coll^o Rich^d Lee Naval Officer of Potomack District be continued in his office there being no objection ag^t him.

It being objected that Coll^o Miles Cary Naval Officer of York River hath been of late considerably concerned in Trade w^{ch} is incompatible with his office according to her Majestys Instructions. A member of the Council affirming of his own knowledge that Coll^o Cary hath not been nor is much concerned in Trade, and the Council being satisfyed that he hath behaved himself well in his office, it is their opinion that he be continued.

It being represented that Coll^o William Wilson Naval Officer of the Lower District of James River is reputed to be a Person much concerned in trade and hath exacted illegal fees. Ordered that the said Coll^o Wilson be heard in his own Justification at y^e next Council, and that he have notice to attend when a full Council shall be next called.

It being objected against Major Arthur Allen Naval Officer of the Upper District of James River that he was put into that office without the advice or so much as knowledge of the Council w^{ch} is contrary to her Maj^{ties} Instructions and the Laws of this Country then in being; and that his officiating by a Deputy when there is no other necessity but the inconveniency of his own habitation seems likewise to be contrary to the intent of another of her Matys Instructions. Ordered that he be heard in his own justification at next Meeting of Council, and that he have notice to attend accordingly.

M^r Auditor Byrd having been by an order of this Board of the 15th instant required to lay before his Excellency and the Council all the accompts of her Majestys Revenue received by his father from the time of his first entry on y^e s^d office of Auditor in order to be examined pursuant to the directions of the Lord high Treasurer and having by a letter to his Excellency signified that in pursuance of the said Order he had searched amongst his fathers Papers and had found y^e said acco^{ts} and great part of the Vouchers, but cannot yet be ready fully to comply with the said Order, he hath further time given to prepare the said acco^t and Vouchers against the next Meeting of the Council.

Upon reading the petition of Cap^t John Tylaor setting forth that in y^e year 1702 he being then Clerk of Charles City County

and for several years before very much afflicted with the Grypes of the belly and pain in his Limbs was advised to go for England for recovery of his health; that thereupon he addressed himself to the then Governor and Council by Petition praying Leave to officiate by a Deputy till his Return, whereupon they were pleased to give their opinion that he could not be authorized to officiate by a Deputy, but in regard they were sensible of the truth of what was represented as to y^e State of his health, did therefore think it very reasonable that he should be allowed to recommend a Person qualified for that office and that thereupon M^r Secretary should grant a Commission to such Person, and accordingly the Pet^r having nominated a fitt Person, and obtained a Commission for him from M^r Secretary went for England but during his absence the afores^d County of Charles City was divided, and the Clerks placed both of that part w^{ch} retains the name of Charles City, and of that called Prince George County (where the Pet^r lives) disposed of, and the Pet^r wholly excluded and praying relief therein. M^r Secretary Jennings informed the Council that when y^e s^d County of Charles City was divided Coll^o Nicholson then Governor claimed the nomination of the Clerk of Prince George County (as being a New County) in the right of the Crown, and insisting on it he did not think fitt to contest it with him: but that he then offered to continue the Person nominated by Cap^t Taylor in y^e office of Clerk of that part which is called Charles City which was refused by him. It is y^e opinion of the Council that the Pet^{rs} case deserves a favourable regard, and that in Justice he ought to have his choice of the Clerks place of either of the afores^d Countys he being possess [ed] of both & relying upon y^e faith of the Governor & Council that he might enter into his office again at his Return from England.

November the 28th 1705

Present

The same as yesterday

Upon representation made to this Board that it is necessary the French Refugees settled at Manicantown in Henrico County have a Magistrate resident amongst them Ordered that M^r Abraham Sallé be added to the Commission of the Peace for Henrico County.

His Excellency in Council was pleased to recommend to Coll^o W^m Randolph to advise with the principal Inhabitants of the French Settlement at Manican Town, who are the most proper Persons to be appointed Military Officers among them, his Excell^{cy} intending to forme a foot Company of the Refugees there settled.

His Excellency having this day asked the Councils opinion as to the present Escheators within this Colony, and the Council making answer that they had no objection ag^t any of them. His Excell^{cy} was thereupon pleased to declare his intention of continuing them in their offices Viz W^m Randolph Gent for the Southside of James River. John Lightfoot Esq^r between James and York River, John Lewis Esq^r between York and Rappahannock Rivers and Jn^o Custis Esq^r on y^e Eastern Shore.

Upon reading the Petition of Claude Philip de Richebourg in behalf of himself and the other French Refugees settled at Manicantown praying that the quantity of Land due to every Person imported into this Colony may be granted unto them, the quantity at present allotted them falling short of the same together with a Resolve of the House of Burgesses that it is fitt the s^d Petition be granted. Ordered that it be referred to M^r Auditor Byrd and Coll^o William Randolph to make the best enquiry they can how much land may be due to the said Refugees for their importation, and how the land already allotted for them is parolled out in proportion to their respective Claims, and if any greater quantity is still due to the said Refugees according to the usage of this Country His Excellency and the Council will give Leave to the said Refugees to take up as much of the Land next adjacent to their Settlement not already patented or Entered for, provided they will be at y^e Charges of Surveying y^e same and ordered that M^r Aud^r Byrd and W^m Randolph make Return of their proceedings herein to the Council Office.

His Excellency communicated to the Council one of her Maj^{ties} Instructions whereby it is required that an acco^t be sent to her Maty of all Persons within this Colony that are possest of above twenty thousand acres of Land, and desiring the Councils advice as to y^e best manner of procuring the said Accompt. The Council are of opinion that the Rent rolls of the sev^{ll} Countys w^{ch} are to be returned next April according to the directions already given by this Board will afford y^e best account who are possest of that quantity of Land or above.

In obedience to an order of this Board William Davie M^r of the Ship two Brothers attended his Excellency & the Council to answer the Complaint of Francis Copain and Pierre Marillian two French Prisoners brought hither by him from Barbados the s^d W^m Davie and likewise the two French Prisoners being heard what they had to offer withdrew.

Upon consideration of the Complaint of Francis Copain and Pierre Marillian two french Prisoners of war taken in y^e West Indies by her Maj^{ties} Ship the Warwick, ag^t W^m Davie M^r of the two brothers of Virginia, It appearing to this Board that y^e s^d W^m Davie having procured the said Prisoners from the Captain of her Maj^{ties} Ship Portland at Barbados to assist him in his said Ship w^{ch} was then weakly manned, the s^d French Prisoners were very serviceable on board during the said Davie's Voyage from Barbados to Virginia and continued on board Six weeks till they were discharged here by order of the Owners and turned ashore without any consideration for their Service, His Excell^{cy} and the Council are of opinion that y^e s^d W^m Davie ought to pay the s^d two French Prisoners as a gratuity for their Service the Sum of five pounds current money and charge it to the Accompt of the Owners of the said Ship who reaped the advantages of their Service. Which Sum y^e s^d Davie assuming in Presence of his Ex^{cy} & y^e Council to pay It is ordered that it be put into the hands of the Clerk of the Council to be laid out for Cloaths & other necessarys for the s^d Prisoners. And because the permitting the said

Prisoners to go at large may give them an opportunity of discovering the weakness of the Country, and prove of dangerous consequence if they should return into Martinico (to w^{ch} place it appears they belong) It is the opinion of this Board that as soon as possible they be put on board some Ship or Vessell bound for England: and ordered that the Clerk of the Council write to Captain Frook Com^{der} of the Marlborough Gally of Bristol now speedily bound out desiring him to take them into his Ship and deliver them Prisoners in England, but if Cap^t Frook shal decline taking charge of them, then y^e Council desire his Excell^{cy} to dispose of them to such other of the Merc^t Ships as he shal think fitt, and in y^e meantime It is Ordered that y^e s^d Prisoners continue at y^e house of John Marol Williamsburgh and that six pence per day be allowed each of them for their Subsistance out of her Matys Revenue for the time they shal or have remained at his house.

The draught of a Proclamation for publishing the Acts of Parliament ag^t corresponding with her Maj^{ties} Enemies and ag^t trade with France, and of another Proclamation for publishing the Act giving encouragement for the importation of Naval Stores, were this day read in Council.

Major Arthur Allen Naval officer of the Upper District of James River having given in his answer to the objections made ag^t him yesterday in Counci., Ordered that the same be referred to the consideration of a fuller Council.

His Excellency and the Council proceeded to the distribution of the Arms and Shott to be sent to ye several Countys for the Service of the Militia on any emergency, and Ordered as follows.

	HORSE ARMS			FOOT ARMS			Musqt Shott et q li	Carbin Shott et q li	Pistol Shott et q li
	Carbines and Belts	Pr of Pistle and Holsters	Swords and Shoulder Belts	Musqts	Swords and Belts	Cartouch Boxes and Belts			
To the County of Henrico.....	20	20	20	50	50	50	3 0 14	0 1 12	0 1 12
To the County of Charles City.....	10	10	10	25	25	25	1 2 15	0 0 20	0 0 20
To the County of Prince George.....	16	16	16	40	40	40	2 2 10	0 1 4	0 1 4
To the County of Surry.....	12	12	12	30	30	30	1 3 14	0 0 24	0 0 24
To the County of Isle of Wight.....	16	16	16	40	40	40	2 2 10	0 0 24	0 1 4
To the County of Nansemond.....	16	16	16	40	40	40	2 2 10	0 1 4	0 1 4
To the County of Norfolk.....	10	10	10	25	25	25	1 2 5	0 0 20	0 0 20
To the County of Princess Anne.....	10	10	10	30	30	30	1 3 14	0 0 20	0 0 20
To the County of Elizabeth City.....	10	10	10	30	30	30	1 3 14	0 0 20	0 0 20
To the County of Gloucester.....	20	20	20	50	50	50	3 0 14	0 1 12	0 1 12
To the County of King & Queen.....	20	20	20	50	50	50	3 0 14	0 1 12	0 1 12
To the County of New Kent.....	16	16	16	45	45	45	2 3 7	0 1 4	0 1 4
To the County of King William.....	16	16	16	40	40	40	2 2 10	0 1 4	0 1 4
To the County of Middlesex.....	10	10	10	25	25	25	1 2 5	0 0 20	0 0 20
To y ^e County of Essex.....	16	16	16	40	40	40	2 2 10	0 1 4	0 1 4
To the County of Richmond.....	16	16	16	40	40	40	2 2 10	0 1 4	0 1 4
To y ^e County of Stafford.....	20	20	20	50	50	50	3 0 14	0 1 12	0 1 12
To y ^e County of Westmoreland.....	12	12	12	30	30	30	1 3 14	0 0 24	0 0 24
To y ^e County of Northumberland.....	12	12	12	30	30	30	1 3 14	0 0 24	0 0 24
To y ^e County of Lancaster.....	12	12	12	30	30	30	1 3 14	0 0 24	0 0 24
To y ^e County of Accomack.....	16	16	16	40	40	40	2 2 10	0 1 4	0 1 4
To y ^e County of Northampton.....	16	16	16	40	40	40	2 2 10	0 1 4	0 1 4

*In the original the names of the last seven counties in the list are bracketed and the following sentence written alongside the bracket "Including what hath been already sent."

Ordered that Edward Ross keeper of the Stores at James City be directed forthwith to pack up the number of horse & foot arms appointed for y^e Countys of Accomack & Northampton together with six barre.ls of Powder three barrells of Musq^t Shott, two of Carbin & one of Pistoll and bring them to Williamsburgh in order to be sent over the Bay by the Burgesses of those Countys.

Present

A Petition being presented to this Board by the Burgesses of Surry & Prince George Countys Complainig that the Courts of Isle of Wight and Nansemond Countys refuse to give any directions for runing y^e dividing Lines between y^e said Countys on y^e Southside the Blackwater Swamp as by an Ordinance of Assembly and an order of the Governor and Council thereon hath been directed. Ordered that the Courts of the said Countys of Isle of Wight and Nansemond be required to give directions for runing the dividing Lines between y^e said Countys pursuant to y^e said of Assembly, or that they transmitt to the Council office their reasons for not complying with the said Ordinance in order to be laid before his Ex^{c^y} and the Council for their consideration at their next Meeting.

Major Arthur Allen Surveyor of the Countys of Isle of Wight and Surry by his Petition setting forth that by an order of this Board dated the 15th instant all Persons that have made Entrys for Land on y^e Southside of the Blackwater Swamp pursuant to an order of the late Gov^r & Council have liberty to Survey and patent y^e same, and that y^e Pet^r not being Surveyor at y^e time of the aforesaid Entrys nor having any books of Entrys to direct him who are entitled to have such Surveys, prays directions of this Board how he shal proceed therein, & also that he may be directed what space of time is intended to be allowed after Publication of the aforesaid Order for Persons pretending Title or Claim to any Parcel of land in dispute to make their said Claims before he proceed to Survey. And this Board being inform'd that the Books of Entrys for the Blackwater land made with Major Thomas Swan late Surveyor of the Countys of Surry and Isle of Wight was sent up by his widow to the said late Governor, and are now missing, whereby a perfect account of those Entrys cannot be had, but that M^r W^m Edwards hath a Transcript of a great Part of y^e s^d Entry book wirtten by the said Major Swan, and after his death examined and compared with y^e Original, and attested by M^{rs} Sarah Swan, D^r Luke Harrild M^r John Ferebee & y^e s^d W^m Edwards, It is y^e opinion of the Council and accordingly Ordered that the Persons who examined y^e Transcript of the said Entrys make Oath thereto

before some Justice of the Peace of the County where they live, and y^e s^d Transcript with y^e attestation of y^e Justice or Justices before whom y^e same shal be sworne to, be delivered to Major Arthur Allen who is to proceed to survey such Parcels of Land as are there mentioned to be entered for, unless where any Parcel of Land is claimed by different Pretenders in which Case he is to observe y^e former order of Council. And y^e Council are further of opinion that all Entrys or Certificates of Entrys under y^e hand of y^e s^d Thomas Swan dec^d for land on y^e southside of Blackwater Swamp made pursuant to y^e late order of the Governor & Council (if no other Person claim interest in y^e Lands therein mentioned to be entered for) that be sufficient warrant to y^e Surveyor to proceed in laying out y^e land for the Persons in whose names the s^d Entrys are made.

Whereas the Book of Entrys for land on y^e southside Blackwater Swamp made with Major Thomas Swan late Surveyor of the Countys of Isle of Wight and Surry is missing, It is Ordered that all Persons who have made Entrys for any of y^e said Lands and cannot make y^e same appear by Certificate or other Instrument under the hand of the said Thomas Swan be allowed to bring what Proof they can to manifest their Claims to y^e s^d Land before his Excell^{cy} and the Council on y^e second day of next Gen^l Court. And y^e Sherifs of the Countys of Surry, Prince George, Isle of Wight and Nansemond are to cause this order to be published in their Courthouses and all Churches & Chappels within their Countys.

Ordered that the Surveyors of the Countys of Surry, Isle of Wight, Prince George, and Nansemond forbear to proceed on any Surveys pursuant to the order of Council on the 13th instant untill one moneth after the Publication of the said Order in y^e aforementioned Countys.

M^r Attorney General having reported his opinion on the Depositions taken ag^t Captain Robert Ranson Com^{dr} of the Ship Thomas and John touching the death of Valentine Arrison a Seaman belonging to y^e said Ship, And his Excell^{cy} & the Council having also, for their better Satisfaction therein, desired the opinion of several other Lawyers, who all seem to differ in their opinions, and to be doubtful whether the said Case (supposing the Evidence to be good) can regularly be enquired of here, and it appearing that the Information given ag^t the said Ranson is contradicted by the testimony of diverse witnesses and seems to be done out of malice: Therefore the Council are of opinion that no further notice be taken thereof here, but that y^e Affidavits be certified and sent to the R^t hon^{ble} the Lords Comm^{rs} for Trade & Plantations. The Journal of Council from y^e last time of its being read to this day was read over in Council.

November y^e 30th 1705

Present

His Excellency

Edm^d Jennings
Dudley Diggs Esq^{rs}
M^r Com^{rs} Blair

Philip Ludwell
W^m Bassett &
Henry Duke Esq^{rs}

The Proceedings and Orders of Council made yesterday were now read over & approved.

A Petition being presented to his Excellency signed by diverse Inhabitants St. Johns Parish in King William County complaining ag^t M^r John Monro their minister, Ordered that the Subscribers of the said Petition and the said M^r Monro, be heard on y^e Subject matter of y^e said Complaint before his Excellency & the Council, and that they have notice to attend accordingly.

His Excellency by advice and consent of the Council signed a Patent to M^r Benjamin Harrison jun^r for 2200 acres of land lying on y^e southside of the Nottoway River being part of the Land taken up by him and surveyed by Major Swan before the restraint laid on y^e lands on y^e southside of Blackwater Swamp by the late Governor:

Then his Excellency asked the Council if they knew of any thing further necessary to be done at this time for her Maj^{ties} Service and y^e Countrys Service, and the Council answering that they knew of nothing at present.

His Excellency adjourn'd the Council.

At a Council held at Williamsburgh the 20th day of December 1705

Present

His Excellency

Edmund Jenings

James Blair Com^{ry}

John Lightfoot

and

Dudley Digges Esq^{rs}

Philip Ludwell Esq^r

Benjamin Harrison, Henry Duke and W^m Churchill Esq^{rs} being summoned to attend at this Council did severally by letters to his Excell^{cy} excuse their absence occasioned by indisposition and other necessary hindrances. Robert Carter and William Bassett Esq^{rs} being also summoned, his Excellency was informed that the former had a Son to be baptized this day, and the latter being absent from home when the messenger went to his house, had no notice of this Council.

Upon reading a Representation to his Excellency from the minister and six Gentlemen of the Vestry of St. Johns Parish in King William County that y^e said Vestry having by agreement mett on the 10th instant to dispatch the Parish business, after they had made and entred two Orders, they debated upon filling up two Vacancys in the said Vestry, and accordingly the aforementioned Seven Vestrymen agreed in the choice of M^r Philip Whitehaed & M^r Thomas Terry to be of the Vestry, Upon which the two Churchwardens and M^r Henry Fox not only dissented but went away in some heat, carrying with them the Vestry book, by w^{ch} means the order of Vestry could not be Entered, and several other necessary Parish business delayed and praying directions therein. This Board are of opinion that there is no need of any directions to be given to the Vestry in this Case w^{ch} is so plain, they appearing to be a Vestry at the time of the aforesaid Election, and having Power to act as such either in electing other Vestry men, or doing any other act incident to their office, and if the Gentlemen complained ag^t have acted irregularly they may take a legal course to do themselves right.

The Commission of the Peace for King and Queen County being returned unexecuted, It is Ordered that a New Commission be issued, and whereas Mr Rob^t Beverley hath representated that he is not at present a Resident in that County It is y^e opinion of the Councill that he be left out of this Commission

Cap^t Freek Commander of the Marlborough Gally of Bristoll being now laded, and ready to sail pursuant to the Leave given him by this Board His Excellency was pleased to ask the advice of the Council if the Journals of the Council and Assembly shal be sent to England by this Conveyance Whereupon the Council are of opinion that considering the late alteration of Government, and y^e extraordinary business that has been under consideration at this Meeting of the Assembly, Namely, the passing a Body of Laws for this Colony, it will be expected that an acco^t be sent as speedily as possible of the State of affairs, w^{ch} can be best made appear by the Journals, it is necessary that y^e said Journals be sent by this Conveyance, there being no Probability of any other safe opportunity till the Return of the Fleet; and that Cap^t Freek be enjoined to take due care to prevent those Papers falling into the hands of the Enemy, by sinking them in case of danger.

Whereas the Book of Entrys for y^e land on y^e southside of Blackwater under y^e hand of Major Thomas Swan dec^d w^{ch} was supposed to be lost hath been lately found in y^e Secretarys office where it had been returned by y^e s^d Major Swan, It is Ordered that y^e s^d Book be delivered to Major Arthur Allen Surveyor of the Countys of Surry and Isle of Wight who is hereby directed to proceed in surveying according to y^e Entrys therein mentioned in y^e same manner as he was by a former order directed in relation to y^e Transcript in y^e hands of M^r W^m Edwards.

Whereas M^r Abraham Salle was omitted to be inserted in the Commission of the Peace for Henrico County lately issued, and it being also found necessary that a Justice of the Peace be appointed on Appamatick River in y^e s^d County. It is Ordered that a new Commission be issued for that County, and that M^r George Worsham & y^e s^d M^r Sallé be added.

The minutes of this Meeting of Council were read over and approved. And nothing further being offered for consideration

His Excellency adjourned the Council.

[C. O. 5, Vol. 1314, N^o 66⁽ⁱ⁾]

Virginia S^{et}

By his Excellency

A Proclamation

Whereas her most sacred Majesty hath by her Royall Comission bearing date at Westminster the 25th day of Aprill in the fourth year of her Maj^{ty}s Reigne Constituted and appointed me Edw^d Nott Esq^r her Maj^{ty}s Lieu^t and Govern^r gener^l of this her Maj^{ty}s Colony and Dominion of Virg^a thereby giving and granting unto me full Power

to Exercise all and all manner of Jurisdictions Powers & Authorities to the same belonging Now to the end that the Peace of this her Maj^{ts} Dominion may be the better secured and all Proceedings at Law Continued and that the Ordinary Course of Justice may not be Interrupted I have thought fit by and with the Advice of her Maj^{ts} Council of this Colony in her Maj^{ts} Name to publish and Declare that all Magistrates and Officers both Civill and Military Doe Continue & remaine in all & singular their Powers Authorities & Jurisdictions untill further order be taken therein hereby requireing them to proceed in the Execution of their severall Duties and all her Maj^{ts} Subjects within this Colony are to be aiding and assisting to them therein And to yeild all due obedience to this Proclamation Given under my hand & the Seale of the Colony this 15th Day of August in the fourth year of the Reigne of our Sovereigne Lady Anne by the grace of God of England Scotland France & Ireland Queen Defend^r of the faith &c *Annoq Dom* 1705.

Edward Nott

A Proclamation Continueing Officers &c
God save y^e Queen

Virg^a S^{ct}

By his Excellency

A Proclamation

Whereas it is the opinion of her Maj^{ts} Council that by my Arrivall here and Entring upon the Administration of the Governm^t the Generall Assembly called by his Excellency Francis Nicholson Esq^r late Govern^r of this Colony is Dissolved Therefore I Edward Nott Esq^r her Maj^{ts} Leiu^t and Gov^r gen^l of this her Colony & Dominion of Virg^a Do signify to all Persons whatsoever that the Generall Assembly of this Dominion w^{ch} was prorogued to the 3^d Day of October next shall be and is hereby Declared to be Dissolved of w^{ch} I require all Persons to take Notice And accordingly I do hereby discharge all members of the said Assembly and other Persons whatsoever from attending thereupon And forasmuch as I am desirouse upon all occasions for her Maj^{ts} Service to have the Advice and Assistance of the Generall Assembly I do hereby publish and make knowne unto all her Maj^{ts} good & Loveing Subjects wthin this Dominion that I have given Directions for y^e issuing writts for a New Assembly to begin & be holden at her Majesty Queen Ann's Royall Capitoll in the City of W^msburgh upon the 23^d Day of October next Given under my hand and the Seale of the Colony this 16th Day of August in the fourth year of the Reigne of our Sovereigne Lady Anne by the Grace of God of England, Scotland France & Ireland Queen Defend^r of the faith &c *annog Dom* 1705

Edw Nott.

A Proclamation Dissolving the General
Assembly.
God save the Queen

VirginiaS^{ct}

By his Excellency

A Proclamation

Whereas I have received Intelligence from Coll: Seymour Govern^r of Maryland that one John Staples Marin^r late of Philadelphia one John Taylor a tall thin Browne man one Thomas Sparrow one Sterritt a flaxen haired youth of Middle Stature & Clear Complexion & one Richard Clarke late of Anne Arundell County in Maryland haveing gotten a Sloop called the Little Hannah of West river in Maryland & are supposed to be turned Pyrates for suppressing whereof & p^rventing the mischeifes that may arise thereby.

These are therefore in her Maj^{ty}s Name And I do hereby with the Advice of her Maj^{ty}s Councill straitly Charge & Comand all Masters of Shippes & Vessells & all other her Maj^{ty}s good & loveing Subjects that they do not Harbour Conceale or Entertaine the said Persons And I do also Comand all officers Civill and Military and all other her Maj^{ty}s good & Loveing Subjects to use their utmost endeavour to seize and apprehend the said Persons or Sloop And the said Person or Persons soe apprehended to Secure & bring before some one of her Maj^{ty}s Justices of Peace the which said Justice is hereby Impowered to Examine the Person or Persons soe brought before him And if he or they Cannot give any good Account of him or themselves then to secure him or them And forthwith to give an account thereof unto me with the best Information And I do hereby require all Collectors & Navall officers in their severall Districts within this Colony to make Diligent Enquiry after the said Sloop And if she shall arrive in any of their Districts the same to seize as also the Persons therein And to returne an Account thereof as abovesaid to me Given under my hand & the Seale of the Colony this sixth Day of September in the fourth year of her Maj^{ty}s Reigne *Annoq Dom* 1705.

Edw: Nott.

God save the Queen

January the 23^d 1705 [1705/6]*Present*

His Excellency

Edmund Jenings

James Blair Com^{ry}

John Lightfoot

Phillip Ludwell

Dudley Digges Esq^{rs}

Henry Duke &

W^m Churchill Esq^{rs}

Whereas Captⁿ Thompson Commander of her Maj^{ties} Ship Woolwich hath by a letter to his Excell^{cy} dated the instant acquainted his Excellency that a French prize w^{ch} he hath brought in hither is very leaky, and fearing that her Lading may be damnified, desires that a Court of Admiralty may be appointed for condemning y^e said Prize for y^e better preservation of her said Lading: Ordered that a Commission be forthwith prepared for Henry Duke Esq^r to be judge of the Court of Admiralty, Stephens Thomson Esq^r advocate, John

Clayton Esq^r Register, and Edward Ross Marshall and that the Judge appoint a Court of Admiralty to be held at the Capitol as soon as may be.

There being no person now Commissionated to take care of Prizes here, and his Excellency having received advice that the Commissioners of the prize office have appointed M^r Nathaniel Harrison to be Agent for prizes in this Country but his Commission not being yet arrived tho it may be daily expected: Ordered that a Commission be prepared to be signed by his Excellency empowering the said M^r Harrison to act in the mean time as Agent for Prizes, he giving security for duly answering what affects that come to his hands by virtue of the said office. And Ordered that M^r Harrison be forthwith required to do his duty in relation to the prize now at Kiquotan:

Upon the Return of the *Dedimus* for swearing the Justices of Middlesex County It appearing that several of the persons nominated have refused to sitt: Ordered that a new Commission issue; and that M^r Thomas Stapleton, M^r Robert Daniel and M^r W^m Kilbee be added.

Ordered that a new Commission of the peace issue for Elizabeth City County and that M^r Bertram Servant be put in the place he held in y^e former Commission, and that Cap^t W^m Boswell and M^r John Baily be added.

Whereas it hath been represented to his Excellency that the County Levy of Elizabeth City is not yet Laid, to the great prejudice of the County Creditors: Ordered that a precept be directed to y^e Sherif of the said County to summon the Gentlemen nominated in the new Commission of the peace to meet at the Court house as soon as may be to take the Oath of Justices, and proceed to lay the Levy to the end the County Creditors may be paid.

Whereas several of the Justices of King and Queen County have refused to act whereby the Laying y^e County Levy and the Administration of Justice are delayed: Ordered that a precept be directed to the Sherif of the said County to Sumon all the Gentlemen nominated in the late Commission of the peace to meet at the Court house on some convenient day as soon as possible to take y^e oaths of Justices pursuant to y^e Commission & *Dedimus*, and then to proceed in Laying y^e County Levy another Sherif & the said Justices or so many of them as have or shal then take y^e Oaths are hereby required to return to his Excellency the names of twelve persons fitt to be made Justices for the said County (excluding those who have or shal refuse to act by virtue of the last Commission) to the end his Excellency & the Council may out of them appoint so many as shal be found necessary for the administration of Justice in that County.

His Excellency was pleased to acquaint the Council that pursuant to their advice he had disposed of the two French prisoners of War to Capt Nicholas Humfrys who had engaged to take charge of them, and deliver them in England the first Convenient port for the prisoners as soon as he comes there.

Dudley Digges Esq^r producing a Commission under the hand & Seal of W^m Blathwayt Esq^r Auditor & Surveyor Gen^l of her Maj^{ties}

Revenues in America to be his Deputy within this Colony, the same was read and at y^e s^d Dudley Diggs Ordered to be entered in the Council books.

The Minutes of this Council were read and approved. and then y^e Council adjourned.

At a Council held at her Majties Royal Capitol
the 8th day of February 1705 [1705/6]

Present

His Excellency

Edmund Jenings

James Blair Com^{ry}

John Lightfoot

and

Dudley Digges Esq^{rs}

Hen: Duke Esqr

His Excellency was pleased to acquaint the Council that the occasion of their Meeting was the notice he had received from Cap^t Nath^a Harrison that Cap^t Thomson Commander of her Majties Ship the Woolwich had refused to deliver him possession of his prize, Upon w^{ch} he had thought fitt to call together as many of the Council as could possibly be here upon so short intimation that Coll^o Bassett had excused himself by a letter, and Coll^o Ludwell was gone from home, So that no more was to be expected at this meeting; and that Captain Thomson being now come to Town it would be necessary to discourse him, and know what method he proposes for securing her majties dues of the Prize, since he refuses to give Mr. Harrison the disposal thereof as the officer appointed by his Excell^{cy}.
Whereupon

Capt Thomson Comder of her Majties Ship the Woolwich being come before his Excell^{cy} in Council after some discourse concerning the intended management of his prize, made this Proposal, "That since Cap^t Harrison hath not yet received his Commission from the prize office and so he can't be safe in giving up the prize entirely into his hands, he is willing that M^r Harrison act jointly with him in disposing of the Prize and taking the Bills, provided that one Sett of all the bills of Exchange taken for the produce of the said Prize be given to Cap^t Thompson to be delivered to the Comm^{rs} for prizes, and that three Setts more be Sealed up at his Sight and directed to y^e said Comm^{rs} to be sent by other Conveyances, and that M^r Harrison give Security to make good all such bills as may happen to be protested and that y^e value of them be answered to y^e said comm^{rs} at the time they become payable. And Cap^t Thomson doth promise that in case Mr. Harrison's Commission shal arrive before his Departure out of y^e Country he will then relinquish all his pretensions to y^e said bills and leave the whole matter of the prize entirely to M^r Harrisons management, what he now proposes being only for his own security because he apprehends M^r Harrison hath not yet that authority as may be a Sufficient justification for his delivering up the prize entirely to him. Which proposal being judged reasonable by this Board. It is ordered that M^r Harrison be sent for to give the Security desired.

Whereas William Byrd Esq^r Receiver Gen^l of her Maj^{ties} Revenue hath represented that the Quittrents of several Countys remain unsold, and desires directions how to proceed therein. It is the opinion of the Council that M^r Byrd continue his endeavours for disposing of the said Q^t rents to y^e best advantage, and in case no offer be made for them this Board will take into consideration what further may be necessary to be done for her Maj^{ties} Service in relation thereto.

Ordered that a new Commission of the peace be issued for Charles City County and that M^r Littlebury Epes be put before M^r John Stith according to the place he held in the former Commissions, and that Joseph Harwood be added.

At a Council held February the 27th 1705 [1705/6]

Present

His Excellency

Edm^d Jenings

James Blair Com^{ry}

Dudley Diggs Esqrs

Philip Ludwell Esq^r

Whereas the Right hon^{ble} the Lords Comm^{rs} for trade and plantations have by a lett^r from W^m Popple Esqr their Secretary Signified to his Excellency her Majestys pleasure that a publick day of thanksgiving be observed throughout this Colony for a Signal and glorious Victory obtained by Her Majestys Forces under the command of his Grace the Duke of Marlborough over her Maj^{ties} Enemyes in y^e Spanish Netherlands: Ordered that a General thanksgiving be observed throughout this Colony on the 23^d day of April next and that a proclamation issue accordingly.

His Excellency having laid before the Council a Letter from the Vestry of St Ann's parish in Essex County recommending M^r Joseph Holt to be their Minister, This Board being informed by M^r Commissary Blair that y^e said Joseph Holt lyes under Suspension for several misbehaviours while he was formerly in this Country, and that he has since officiated in Maryland, It is the opinion of this Board that it may be convenient for his Excell^{cy} to delay proceeding on the said letter untill his Excell^{cy} have an acco^t from the Governor of Maryland of the said Mr Holts behavior there, and that the said Letter be referred to y^e consideration of a fuller Council.

The Minutes of this Council were read over and approved.

At a Council held at her Maj^{ties} Royal Capitol
the 28th day of March 1706

Present

His Excellency

Edm^d Jenings

Philip Ludwell

Jn^o Lightfoot

W^m Bassett

Dudley Diggs

Henry Duke

Rob^t Carter Esq^{rs}

W^m Churchill Esq^{rs}

M^r Com^{ry} Blair

Upon reading at this Board a presentation from the Vestry and Inhabitants of St Ann's parish in Essex County wherein they pray that M^r Joseph Holt may be inducted their Minister, the said M^r Holt having been for Diverse misdemeanors formerly suspended by the Bishop of London's Com^{ry} here, and the Vestry asserting in their presentation that y^e said Suspension is taken off by the Bishop of London: It is the opinion of the Council that M^r Holt ought to make appear to his Excell^{cy} that his Suspension is taken off by the Bishop of London, and that he ought also in person to have attended his Excell^{cy} with the aforesaid Presentation that he might have answered any objection w^{ch} might be alledged ag^t him. But forasmuch as it hath not been made appear that M^r Holts Suspension is taken off by the Bishop of London as is alledged, and his Excell^{cy} being desirous to comply with the Request of the Vestry as far as he Lawfully may, It is ordered that the following Question be delivered to M^r Attorney Gen^l, to Report his opinion thereon viz M^r Joseph Holts having been suspended by M^r Com^{ry} Blair from the exercise of the Ministry in this Colony and now being presented by the Vestry of St Ann's parish in Essex to be their Minister It is referred to M^r. Attorney Gen^l, to report his opinion whether his Excellency may lawfully grant induction untill that Suspension be taken off.

In obedience whereunto M^r Attorney Gen^l, made Report as followeth Viz. "Upon perusal of the two s^u petitions from the Vestry and parishioners of St. Anns parish in Essex, and upon Consideration of the above written order of this Hon^{ble} Board, I concieve and am of opinion that it is a very good Return for the Ordinary to make to Patron that his Clerk (the Presentee) is under suspension, and so far from being inducted that I concieve he ought not [to] be admitted to any Benifice within that ordinary's Diocese till that suspension be taken off or adjudged illegal, for during y^e suspension he cannot properly be said to be *habilis et idonea persona* &c

S. Thomson A G.

His Excellency and the Council approving of the said Report do hereby order that a copy thereof and of the other proceedings of Council upon y^e aforesaid Presentation be sent to y^e Vestry of the Said parish of St Anns in answer to their said presentation.

Whereas by an act of parliament made in the 7th and 8th Years of the Reign of his late Maj^{ty} King William the 3^d Ent^d an Act for preventing frauds and Regulateing abuses in the plantation Trade, it is directed that in Registering of ships in the plantations proof of the property shal be made upon oaths before y^e Gov^r together with the principal officer of y^e Revenue residing in such plantations And for as much as y^e office of Aud^r & Receiver Gen^l of this Colony which was formerly executed by one person who was the Chief officer of the Revenue here is lately divided, and y^e Receiver Gen^l's Commⁿ not being yet arrived, it is doubtfull which of y^e said two officers may be accounted the principal officer of the Revenue, M^r Attorney Gen^l is hereby directed to report his opinion whether in the mean time Such proof may be made before either of the Said officers so as to answer y^e intent of the aforesaid act of parliam^t Unto which M^r Attorney Gen^l

Reported his opinion as follows Viz. Upon perusall of the act of parliament relating to y^e Registring of ships, and upon consideration of the order of this hon^{ble} Board, as likewise on consideration that y^e place of principal officer of her Majestys Revenue being (by the death of Coll^o Byrd) now in two persons & it being undetermined who is y^e principal, and also considering the remoteness of their habitation and the inconveniences of persons resorting to them—

I conceive and am of opinion that proof made before y^e Gov^r and either of y^e said two persons is authentick and answers the intent and meaning of the said Act

S. Thomson A G:

Which Report being Read and approved in Council It is ordered that Registering of Vessells be Sworn to and Signed pursu^t to y^e said Report untill it be determined w^{ch} is the principal officer of the Revenue in this Colony.

Whereas by the late Divisions of the offices of Aud^r & Receiver Gen^l of her Majestys Revenue it remains uncertain to whose office the granting of Rights for land and Receiving Compositions for Escheat land doth properly belong; for ascertaining thereof for the future This Board are of opinion that it is most agreeable to the intent of dividing the said offices, that all Rights for land be purchased of the Receiver Gen^l and all Compositions for Escheat Land made with him and that upon Receipt of y^e money for y^e said Rights of Compositions he certify to y^e Aud^r that he hath Received paym^t for the same, Upon w^{ch} y^e aud^r shall grant Certificate to y^e Sec^{rys} office as hath been usual heretofore in order to y^e obtaining patents on such Rights or Compositions.

W^m Byrd Esq^r Receiver Gen^l of her Maj^{ty}s Revenues representing that the quittrents of sev^l Countys remain yet unsold, and desiring directions how to proceed therein, It is ordered that M^r Aud^r be directed to use his endeavour for selling the quittrents of Gloucester, King and Queen, Essex and New Kent, and that M^r Byrd endeavour to sell those of James City, Henrico & Prince George to the best advantage for her Maj^{ties} Service.

Ordered that the further consideration of the duty of the different officers of Aud^r and Receiver Gen^l be referred till the meeting of the Council in the Gen^l Court by which time y^e Receiver Gen^ls Commission and Instructions may be expected.

William Byrd Esq^r acquainting this Board that he had prepared his fathers acco^{ts} of the Revenue and y^e Vouchers for y^e time he was aud^r and that he was ready to lay y^e same before his Excellency and y^e Council for examinacon, purs^t to y^e directions of my Lord high-Treasurer ordered that it be referred to M^r Aud^r with y^e assistance of some of the Council by turns to Examine and perfect y^e said acco^{ts} during the sitting of the Gen^l Court and Assembly in order to y^e preparing a Report thereof to be made to the Lord high Treasurer.

Ordered that a New Commission of y^e peace be issued for Gloucester County and that Thomas Read Philip Smith Rich^d Baylie & John Pate be added.

Upon Reading the petition of Edward Barrow, John Higgins Edw^d Barrow Junieur and Aug Higgins Complaining of an undue Survey of Land in y^e forks of Rappahanock River which Harry Beverley Surveyed for himself and hath obtained a patent for y^e same altho' the pet^{rs} had before entred, for y^e same with Charles Smith the proper Surveyor: the subject of the said Compl^t appearing to be matter of Law and not cognizeable before this Board, y^e said petition is rejected and y^e petitioners left to take their proper Remedy.

Luke Hill by his petition informing this Board that one Grace Sherwood of princess Anne County being suspected of witchcraft upon his Complaint to that County Court that she had bewitched y^e petitioners wife, the Court ordered a Jury of women to search y^e said Grace Sherwood,—who upon Search brought in a Verdict ag^t y^e said Grace, but y^e Court not knowing how to proceed to Judgement thereon the petitioner prays that y^e attorney Gen^l may be directed to prosecute y^e said Grace for y^e same.

Ordered that y^e petition be referred to M^r Attorney Gen^l to consider and Report his opinion to his Excellency and y^e Council on y^e first day of the next Gen^l Court.

Severall of y^e Inhabitants of St Johns parish in King W^m County haveing in November last presented a petition to his Excellency containing divers Complaints against M^r John Monro their Minister, and this day being appointed for y^e Consideration of y^e said petition in a full Council the said Monro personally appeared before this Board and Coll^o John West M^r Thomas West, M^r Henry Fox M^r Thomas Clayborne and M^r Samuel Cradock also appeared on behalfe of y^e Complainants. The Council haveing taken y^e said petition into Consideration are of opinion that the matters of Complaint therein contained do not ly under y^e Cognizance of this Board. After which y^e Gent that appeared on behalfe of y^e Complainants were called in, and his Excellency was pleased to acquaint them to this effect. That as he had at his coming into y^e Govenm^t recommended to all partys to lay aside their private differences so nothing would be more gratefull to him than to see a happy Reconciliation between them and their Min^r, That y^e Complainants could not but know that y^e presenting this petition to him, was not y^e Right way of proceeding ag^t their Min^r for any of the offences alledged against him, but that there were proper Judicatures where such applications ought to be made. That he could not but take notice that the gathering of so many hands to this petition was very unaccountable and therefore he admonished them if they had ground of Compl^t against their Minister to go in a more Regular way, but that y^e endeavouring peace and Reconciliation as it would be much more agreeable to Christianity, so it would be very pleasing to him, and he hoped they would put it in practice. And then haveing dism^t them Called M^r Monro and Recommended to him to make it his endeavor to promote peace and Reconcilem^t not only between himself and y^e Compl^{ts} but between them and y^e Gent of y^e parish who were his friends.

Upon reading y^e petⁿ of M^r Rob^t Byrd late sheriff of King & Queen setting forth that y^e pet^r during the time of his Sherivalty

haveing discovered a Considerable quantity of Land that had not paid Quittrents before, for which an allowance was promised by an Instrument of writing from y^e late Gov^r and Council but because the pet^r had Returned diverse tracts of Land unpaid for, that belonged to sev^{ll} persons being in other County's the said Gov^r and Council were pleased not to allow him y^e benefite promised in y^e said Instrument and praying that he may be allowed to Receive to his own use y^e Quittrents of the Lands that were Returned unpaid for in Recompence of his trouble in making the said Discoverys This Board haveing taken y^e said petition into Consideration are of opinion that y^e said Rob^t Bird hath no pretence to the Reward promised by y^e late Gov^r and Council, for as much as he did not acco^t to her Majest^y for any greater nor so great a Number of acres as the former Sheriff had done, So that her Maj^{ty} Received no advance on her quittrents of that County by any discoverys alledged to be made by him.

Whereas William Robertson Clerk of the Council hath humbly to this Board that y^e attendance he is obliged to on y^e service of his Excellency & the Council dureing the time of the Gen^{ll} Assembly will necessarily hinder him from officiating as Clerk of James City County Court, unto w^{ch} office he hath by the Sec^{rys} favour been lately Commissionated and praying that leave may be given him to appoint a Deputy to officiate in his absence in y^e said County Court according to a former Resolution and opinion of the Governor and Council the 24th of April 1703 that y^e Clerks of y^e Council, Gen^{ll} Court and House of Burg^s should be allowed to officiate by Deputys in y^e Respective County Courts whereof they were Clerks. His Excellency and y^e Council takeing the same into Consideration do hereby declare their assent and approbation of the said W^m Robertsons officiating by Deputy in y^e Court of James City County. And that pursuant to y^e aforesaid Resolution which was represented to her Majesty for her approbation y^e Clerks of the Gen^{ll} Court Council and House of Burgesses have leave to officiate by Deputys in those County Courts whereof they are or shal be appointed Clerks they being answerable for such Deputys So by them appointed.

The minuts of this Council were Read over &
approved. April ye 16th 1706

April 13th 1706

Present

His Excellency

Edm^d Jenings
Jno Lightfoot

M^r Com^{ss} Blair

Philip Ludwell Esq^r

Dudley Digges Esq^{rs}

Whereas W^m Byrd Esq^r hath represented to this Board that y^e sherifs of some countys & particularly on the Southside of James River hath taken occasion from y^e order of Council of the 23^d of October last past to pay the Q^trents less convenient than formerly this Board do declare y^t y^e s^d order was never intended to give any Liberty

to the sherifs to pay the Q^trents less convenient than had been used in former years, but that where ye Q^trents happened to be inconvenient by the remoteness of the Plantations, The sherif should be obliged to pay ye same in ye same manner as had been usually done before

April ye 16th 1706

Present

His Excellency

Edmd Jenings
Jno Lightfoot
Dudley Digges
Benj^a Harrison
Jn^o Custis Esqrs

M^r Com^{ry} Blair
Philip Ludwell
W^m Bassett
Henry Duke &
W Churchill Esqrs

This day being appointed for hearing the Claims of y^e Sev^{ll} pretenders to y^e land on y^e South Side blackwater Swamp, A petition was presented in the name of Maj^r Arthur Allen and others complaining of the Irregularitys committed in makeing Entrys for land with y^e dec^d Thomas Swan late Surveyor, and praying to be heard by their Council thereon Whereupon their Council being called in they insisted on the makeing void all y^e Entrys made with Major Swan because of the Irregularitys by them complained of, and after diverse Arguments had been offer'd by them for invalidating the said Entrys and by Mr. Benj^a Harrison and others in Justification of y^e late surveyors proceedings the sev^{ll} partys were ordered to withdraw And upon Consideration of the whole matter It is y^e unanimous opinion of this Board that all such Entrys for land as were made with Mr. Swan and are not claimed by Diverse pretenders shall be allowed and stand good, and that liberty be given to y^e sev^{ll} persons for whom y^e said land are entered to survey and patent y^e same according to y^e former opinion and direction of this Board And ordered that y^e validity of the entrys. of such parcells of land only as are now in dispute between different pretenders, be allowed to be argued.

And then y^e several partys and their Council being called in,

That the Book of Entrys for y^e Blackwater land was read and Henry Briggs objecting ag^t y^e 2^d Entry made for Barnabie M^oKinnie for land in Coscorough Swamp which Entry y^e said McKinnie haveing quitted in favor of Cap^t W^m Brown who had also entered for the same parcell of land, the said Brown prayed to be preferred to y^e liberty of patenting y^e same as haveing the first entry unto which it was answered by Henry Briggs and his Council, that the Entrys made for y^e said Brown were irregular and Illegally taken by the Surveyors and this he offered to prove and prayed an order of this Board for Summoning such Witnesses as he should have occasion for. Whereupon a debate arising, and Mr. Attorney Gen^{ll} haveing given his opinion that this Board may issue warrants for Summoning evidences to testify their Knowledge in any matter depending before them.

Resolved

That all persons that have occasion for Evidence to prove their Claims to any of the lands in dispute on y^e Southside of the Black-

water swamp have orders for Summoning y^e said evidences to appear before this Board at such times as shall be hereafter directed the partys desiring such summons naming their Evidences in Council and being obliged to pay y^e Charges of such Evidences as they shall Summon And upon further hearing y^e pretensions of the above named Henry Griggs and Cap^t W^m Brown, the Entry made by Cap^t W^m Brown for y^e land on ye Coscorough Swamp is allowed of, and ordered that y^e said Henry Briggs have liberty to survey and patent all the land mentioned in his Entry which is not included in y^e said Cap^t Browns entrys.

Ordered that ye further hearing of the debate concerning the black water swamp be adjourned till five a clock afternoon

post meridium [sic]

Present

As before except Philip Ludwell Esq^r

M^r Attorney Gen^l haveing in pursuance of an order of this Board Reported his opinion of Luke Hill against Grace Sherwood as being Suspected of Witchcraft in y^e following words viz. "Upon perusal of the above order of this hon^{ble} Board I do conceive & am of opinion that y^e charge or accusation is too general that the County Court ought to make a further Examination of the matter of fact & to have proceeded therein pursuant to the direction & powers of County Courts given by a late act of Assembly in Criminal Cases made & provided, & if they thought there was sufficient cause to have (according to that Law) committed hereto y^e Gen^l prison of this Colony whereby it would have come regularly before the Gen^l Court and whereupon I should have prepared a bill for y^e Grandjury & if they had found it I should have presented it. I therefore with humble Submission offer & conceive it proper that y^e s^d County Court do make a further Enquiry into the matter and if they are of opinion there be cause they act according to y^e above s^d Law and I shal be ready to present a Bill & if found proceed thereon.

Ordered that a Copy of y^e said Report be Sent to y^e Court of Princess Anne County for their direction in y^e premises.

The Council resumed y^e hearing of the debate concerning the Entrys for the Blackwater Land, &

Major Arthur Allen haveing objected against an Entry made for M^r W^m Edwards and M^r Nathaniel Harrison for land on y^e Swamp called Round hill Swamp and praying an order for summoning John Wappole and Jeremiah Ellis to appear before this Board to give Evidence for him in relation to y^e said Entry.

Ordered that the Sheriff of Surry County Summon John Wappole & Jeremiah Ellis to appear before this Board on y^e last day of this Instant April at her Majestys Royal Capitol, to testifie their knowledge on behalf of Major Arthur Allen in Relation to an Entry for land on Round Hill Swamp in dispute between him & W^m Edwards and M^r Nathaniel Harrison.

The Entrys for Howell Edmunds and Thomas Hart being contraverted by y^e Widow Richard Reddihoe on y^e motion of both partys.

Ordered that y^e same be heard in Council on y^e last day of this instant and ordered that ye sheriff of Surry County Summon Rich^d Reynoles to appear before his Excellency in Council at her Majestys Royal Capitol on the last day of this instant to testify their knowledge on behalfe of the Widow of Rich^d Reddihoe in the difference between y^e said Reddihoe and Howell Edmunds and Tho: Hart for land on y^e blackwater Swamp.

Ordered that y^e Sheriff of Surry County Summon Cap^t Nathaniel Harrison and Cap^t W^m Brown to appear before his Excellency in Council at her Majestys Royal Capitol on y^e last day of this instant to testify their knowledge on behalf of Howell Edmunds and Tho: Hart in the difference between them and Rich^d Reddihoe for land on y^e Southside of Blackwater Swamp.

Cap^t W^m Brown relinquished his 4th Entry for land on Black Creek in favor of Barnaby M^eKinie who had also made an Entry for the same.

The Entry made for Coll^o George Norsworthy being contraverted by Rich^d Reynold the determination thereof is referred till y^e last day of this moneth for y^e widow of the Said Coll^o Norsworthy to make out her claim to y^e Said land and y^e said Reynolds to be heard thereon.

Rich^d Washington and Benj^a Evans haveing entered for a parcell of Land lying on y^e east Side of Nottoway Swamp, and part of y^e Said land Entred for by John Council, It is ordered that y^e Said Washington & Evans as haveing made the first Entry, have leave to Survey first, and in case there be any Surplusage land over and above their bounds, that y^e same be granted to y^e Said John Council.

The Entry of James Minge jun^r for 3,000 acres of land is disallowed it appearing that y^e same lyes in prince Georges County & hath been Entred for and Surveyed by the Surveyor of that County for other persons.

Cap^t W^m Brown relinquished his Entrys for land on Hanonk Swamp and Coll^o Browns line and also his Entry for land on y^e Swamp that Runneth into the Assamousak.

Cap^t W^m Hunt haveing made an Entry for a parcell of land beginning on Austins branch and bounding on his own line of marked trees, and y^e said land being Entred for by Rich^d Parker and W^m Edmunds It is the opinion of the Council that y^e Said Parker & Edmunds haveing made the first Entry ought to be preferred for all the lands within the Bounds of their Entry, but if any Surplusage land Remain that y^e Said Cap^t Hunt have leave to survey and patent So much of the Same as will compleat 650 acres according to his Entry.

Whereas John Jones made an Entry with Major Swan late Surveyor of Surry for a parcell of land, which Since is supposed to ly in Prince Georges County and Entrys made for y^e Same with y^e Surveyor of that County. It is ordered that the determination of the Said Entry be referred till y^e Dividing lines between y^e aforesaid Countys are run that y^e person who hath entered in the right County may be preferred to a grant thereof.

The entry of Cap^t Tho: Harrison for 4,000 acres of land on y^e Southside of Nottoway River is disallowed y^e Same being included in

Capt Nathaniel Harrison's Entrys and Since taken away by the Nottoway Indians bounds, pursuant to y^e act of Assembly.

W^m Hunt having made an Entry for a parcell of land on y^e South Side of Nottoway River which interferes with y^e Entrys made by Rich^d Parker and W^m Edmunds and also by Cap^t W^m Hunt, the Said Entry is dissallowed unless there be any more land in y^e Said Hunts Entry than is included in y^e two former Entrys in which case y^e Surplusage land is granted him.

The Claim and Entry of W^m Holliman for land on Assamoasock Swamp being contraverted is dissallowed unless y^e said Holliman appear y^e last of this instant and make out that y^e Same doth not interfere with any former Entrys.

The two Sev^l Entrys of Rich^d Reynolds interfering with y^e Entrys of Major Arthur Allen are Referred till the determination of the dispute between y^e Said Allen & M^r Edwards & M^r Harrison, as being a Case of the same nature

April y^e 19th 1706

Present

His Excellency

Edmund Jenings

John Custis

John Lightfoot

James Blair Comm^{ry}

Benj^a Harrison

Philip Ludwell

Rob^t Carter

William Bassett &

W^m Churchill Esq^{rs}

Whereas information hath been given to this Board that Cap^t Jeremiah Turner and M^r Rich^d Wise of King and Queen County-merchant did inveigle and bring away from Lisbon one Timothy Johnson a listed Souldier in one of her Majesties Regim^{ts} of marines and hath Sold him here as a Servant It is ordered that y^e said Jeremiah Turner and Rich^d Wise & Timothy Johnson be Summoned to appear before this Board on friday the 26th instant to answer what shall be objected against them in Relation to y^e Said offence.

Whereas this Board are informed that one John Linington who pretends to be Deputy Surveyor of North Carolina hath lately Surveyed and laid out Sev^l parcells of land on y^e Southside of Nottoway River, and that Sev^l persons inhabitants of this Colony have made Entrys with the Said Surveyor for diverse tracts of land as if the Same were in the Province of North Carolina. It is ordered that y^e Sheriffs of Prince George, Surry Isle of Wight and Nansemond Countys make publication throughout their Respective Countys that whosoever hath or shall presume to make any Entrys with the Said Surveyor for any lands on the Confines of this Government that Receive no benifite by any Such Entrys, and shall be further liable to be prosecuted with y^e utmost Severity for disowning her Majestys title to y^e Said lands, and ordered that a letter be prepared to be sent to y^e Deputy Gov^r of Carolina desiring him to cause his Surveyor to desist from Surveying any land on or near the Frontiers of this Government untill the bounds betwixt y^e two Governm^{ts} be ascertained and that the like directions will be given to y^e surveyors here.

April 20th 1706*Present*

His Excellency

Edmund Jenings
John Lightfoot
Dudley Diggs
Benj^a Harrison
Robert Carter

John Custis
Philip Ludwell
W^m Bassett
Henry Duke
W^m Churchill Esq^{rs}

Whereas y^e Queen and great men of the Pamunky Indians have this day complained to his Excellency that the bringing of Strong Liquor into their Town by the English Inhabitants of their Neighbourhood & retailing it there to y^e Indians hath been of very pernicious Consequence by occasioning frequent quarrells and disorders among them, His Excellency by advice of her Majestys Council doth hereby Strictly charge and Command all persons whatsoever that they do not presume to carry into, or Retail any manner of Strong Liquor, in any Indian Town within this Government, upon pain of suffering Such punishm^t as may [be] Justly inflicted on them for an Offence of So evil & pernicious Consequence And for preventing y^e inconveniences that may happen by English mens entertaining of Indians to shoot for them and thereby obstructing their Contributing to the Support of their own Government & from the Necessary defence of their towns and habitations. It is further ordered that no person presume to employ any Indian to hunt for him (not being his slave) without first obtaining a License from the Gov^r for so doing according to y^e act of Assembly in that case made and provided and his Excellency doth hereby declare that he will grant no Such License, without it be Certifyed to him that the King and Queen or Chiefe of the Nation to whom y^e said Indian so employed doth belong hath given Consent to his being employed as aforesaid And ordered that publication hereof be made by the Sheriffs of the Respective Countys next adjacent to the Sev^{ll} Indian Towns.

A memorial being presented to his Excellency by Edmund Jenings Esq^r Setting forth that in Consideration of his great pains and cares in her Majestys Service the Lords Commissioners for trade and plantations did Recommend him to his Ex^{cy} to bestow what Suitable Reward may fall in his Excellencys gift Sufficient to defray his charges & losses over and above y^e allowance given him by her Majesty which their Lordships tho't too Small, And therefore praying that he may have the priority and liberty of entring for a tract of land lying in the upper Side of the great Herring Creek joining on the Land of Darrell, y^e land of whitehead & y^e said Edmund Jenings plantation and land in the Fork of King William County and that he may have it Surveyed and a grant thereof when thought for her Majestys Service to open & patent the lands in that County as an encouragement for others to undertake her Maj^{ty}s Service.

It is ordered that y^e said Edmund Jenings have the priority to Enter for y^e said tract of land and the consideration of granting him a patent for the same is Referred untill it Shall be thought convenient to lay open the other Lands in that County that in Case any other person have a prior Right they may be heard.

Whereas Anne Peacock of the County of Richmond Spinster was Committed to the publick Goal of this County for Concealing the death of a Bastard Child, and M^r Attorney Gen^l haveing Represented to this Board that the Wittnesses not being Ready in due time for bringing her to trial at this Gen^l Court, and this Board being informed that the wittnesses ag^t the said Anne Peacock are not of weight to find her guilty and that y^e detaining her in prison till next Gen^l Court will be a great Charge to the Country and a hardship on her The Council humbly advise his Excell^{cy} to issue a Commⁿ of Oyer & terminer to the members of her Majesties Council for trying the Said Anne Peacock on Munday next.

Upon the application of y^e Justices of King & Queen County a new Commission of the peace ordered for that County with y^e addition of some new Justices.

Ordered that the Sheriff of King William County be required to transmitt an account to his Ex^{cy} of all persons who have seated plantations within the Ring laid out for the Pamunky Indians, and by what titles they hold y^e same.

April 23^d 1706

Present

His Excellency .

John Lightfoot

Dudley Diggs

Benj^a Harrison

Robert Carter

John Custis Esq^{rs}

M^r Comm^{ry} Blair

Philip Ludwell

W^m Bassett

Henry Duke &

W^m Churchill Esq^{rs}

W^m Byrd Esq^r presented a Commission under her Majestys Royal sign Manual dated the 19th of October 1705 Constituting him Receiver Gen^l of all her Majestys Revenues within this Collony, which Commission being Read the said W^m Byrd took y^e oaths appointed by act of Parliament to be taken instead of the oaths of allegiance and supremacy the oath mentioned in y^e act Entituled an act declaring y^e alteration in y^e oath appointed to be taken by y^e Act Ent^d an Act for the further security of his Majestys person and y^e succession of the Crown in y^e protestant line &c, and Subscribed the Test. And then y^e said William Byrd with Benj^a Harrison and Philip Ludwell Esq^{rs} as his securitys entered into Bond in y^e sum of £6000 sterling for his due Execution of the said Office.

April 25th 1706*Present*

His Excellency

Edmund Jenings	M ^r Comm ^{ry} Blair
John Lightfoot	William Bassett
Dudley Diggs	Henry Duke
Benj ^a Harrison	&
Robert Carter Esq ^{rs}	William Churchill Esq ^{rs}

His Excellency was pleased this day to communicate to the Council a Speech which he intended to make to the Gen^l Assembly.

April 26th 1706*Present*

His Excellency

Edmund Jenings	William Bassett
John Lightfoot	Henry Duke
Robert Carter	William Churchill Esq ^{rs}

The Great men of the Maherine Indians making application to his Excellency that their possession of certain Small parcells of land Seated and planted by them without the bounds allowed them by act of Assembly may be continued to them, Ordered the Surveyor of Nansemond County make enquiry & Report to his Excellency what quantity of Land are Seated by the Said Indians without the bounds allowed them by law and in whose Entrys the Same ly to y^e end that where patent shall be granted for y^e said lands the possession of the Said Indians may be Reserved to them for Such time as this Board shall think Reasonable & in the Mean time it is ordered that y^e Said Indians have liberty to occupy & enjoy the Sev^l plantations whereon they are now Seated without any trouble or Molestation.

Present

Dudley Diggs Esq ^r	John Custis Esq ^r
James Blair Com ^{ry}	Philip Ludwell Esq ^r

The minutes of Council from the 15th of this month read & approved.

April the 27th 1706*Present*

His Excellency

Edmund Jenings	James Blair Comm ^{ry}
Benj ^a Harrison	Philip Ludwell
Rob ^t Carter	William Bassett
John Custis	Henry Duke
	William Churchill Esq ^{rs}

Pursuant to an order of this Board Cap^t Jeremiah Turner and M^r Rich^d Wise came before his Excellency in Council to answer the infor-

mation given against them for inveigling one Timothy Johnson from her majestys Service & Selling him here for a Serv^t and The Said Timothy Johnson appearing also before this Board, and being interrogated concerning the Same gave this answer that he was never a listed Soldier in any Regim^t but that going to Lisbon with an intent to Settle with a Relation he had there and finding him dead, he Shipped himself for Virginia in Cap^t Turners Ship and that he was now Ready to pay his passage and the Said Turner & Wise affirming that they had no pretensions against him but only for his passage, and no other Evidence appearing to make out the s^d information It is ordered that they be dismist.

Whereas Cap^t Nich^o Humphry hath informed this Board that one of the French prisoners put on board his Ship hath Sev^l times run away and that his actions are of Such a Nature as gives Just occasion to fear some evil Consequence will ensue his being on board, It is ordered that y^e Said prisoner be Sent with y^e first conveniency on board her Majesty's Ship y^e Woolwich, and in the mean time the Clerk of the Council is directed to Committ y^e Said prisoner to the care of some person in town where he may be best Secured untill he can be Sent to her Majestys Said Ship

May the 1st 1706

Present

His Excellency

Edmund Jenings
John Lightfoot
Dudley Diggs
Benj^a Harrison

Rob^t Carter
John Custis
M^r Com^r^y Blair
Philip Ludwell

W^m Churchill Esq^{rs}

This day his Excellency in Council signed diverse patents for land granted to sev^l persons this Gen^l Court

Benj^a Harrison, James Blair, & Philip Ludwell, Esq^{rs} absent.

Pursuant to the order of this Board of the 16th instant for hearing the difference between Major Arthur Allen and W^m Edwards & Nathaniel Harrison for land on Roundhill Swamp, the partys appearing with their Council; Jeremiah Ellis and John Wappole witnesses brought by Major Arthur Allen were Sworne & Examined, and afterwards upon y^e motion of the said Allen, Rich^d Reynolds and Rich^d Holliman were admitted evidences for him and after all the said evidences had been examined on such questions as were thought proper by this Board, and y^e Council on both sides having made their observations on y^e evidences they were ordered to withdraw This Board having duly considered the said whole matter, are of opinion that the entry made by M^r Edwards and M^r Harrison is preferable to Major Allens; but in regard there appears an entry of Major Allens in y^e Surveyors books of the same date & for the same land and that M^r Harrison & M^r Edwards did propose to divide the land in contraversion by the direction of some indifferent person & to allow Major Allen a

third part after they have made their first Choice; This Board do therefore order that y^e said Land be indifferently surveyed & laid out and equally divided in three parts by some Surveyor not concerned in Relation to either of the partys and that Major Allen have a third part after M^r Harrison and M^r Edwards have made their Choice.

In the difference between Howell Edmunds and Tho: Hart and the Widow of Richard Reddihoe for land on Tarraraor or Strouds branch, the said Howell Edmunds failing to appear to make out his pretensions to y^e land in contraversy & Thomas Hart & the widow of Rich^d Reddihoe agreeing to divide y^e land between them & desiring that y^e Said Division may be entred on y^e Council Journals, It is accordingly granted and the Said Division approved of as follows viz that Thomas Hart shall have all that part of the Said Division of land which lyes on that side of the Terrarare or Strouds branch where he hath already seated, and y^e remaining part of the land entred for by John Wappole Rich^d Reddihoe and Bartholomy Andros and lying on the other side of the said branch be granted unto the widow of Rich^d Reddihoe, the other partys concerned not appearing to claim any interest therein.

The Entry made by W^m Holliman being formerly contraverted & no person now appearing to make any claim thereto Ordered that the said Holliman have a grant thereof.

May 2^d 1706

Present

His Excellency

Edmund Jenings
John Lightfoot
Dudley Diggs
Rob^t Carter

John Custis
and
William Churchill Esq^{rs}

Robert Beverley haveing obtained a Patent for 120 acres of land in Eliz^a City County, and y^e said land haveing formerly been surveyed by order of the late Gov^r & Council, It is ordered that the said Beverly pay unto y^e Surveyor the charges of surveying the said tract of land amounting to 537¹/₂ tobacco before he have his Patent out of the office.

Edward Barrow and others haveing obtained a Grant of 4400 acres of land lying in the Forks of Rapp^a River, and a Patent being this day presented to be signed for the same Rob^t Carter Esq^r agent for the proprietors of the Northern neck objected against the same and desired that no Patent might issue for y^e said land (it lying as he conceives) within the grant of the said proprietors, which grant he produced in Council whereby it appears, that there is granted to the proprietors all the lands bounded by and within the first heads or Springs of the Rivers of Rapp^a and potomack, the courses of the said Rivers from their said first heads or springs as they are commonly called and known, and the Bay of Chessapeak together with the said Rivers themselves and all y^e Islands within y^e outermost banks thereof &c And alledged that this land lying within Rappa-

hanock River doth belong to the said proprietors, Upon consideration whereof this Board are of opinion, that forasmuch as it is not yet known whether of the branches of Rapp^a River is really the main River, and that it is not improbable but that which is now reputed y^e southernmost branch may only be [a] Small River running into y^e said River of Rappahanock. That therefore the said two branches be viewed by a Surveyor on behalf of her Maty & another on behalf of the proprietors, and the breadth & courses of the said branches measured that it may appear which of them is the largest, And in case the differences of magnitude of y^e said branches be so small as that no determination can be made which of them is the main Stream of Rappahanock River, then this board do conceive it necessary that a Representation be made thereof to her Majesty and y^e said proprietors and in the meantime it is ordered that no Patent issue for any land lying in y^e Fork of the said River either from y^e Crown or the proprietors of which the said Robert Carter hath hereby notice, and ordered that Coll^o William Churchill Cap^t John Talliafero & M^r Rich^d Buckner with Harry Beverley as Surveyor be appointed on behalf of her Maj^{ty} to meet Such persons as shall be appointed on behalf of the proprietors to view the branches of the said River & make Report against next Gen^l Court.

Edward Barrow haveing obtained a grant for acres of land in an Island of Rappahanock River and a Patent being prepared for y^e Same, upon the motion of Rob^t Carter Esq^r Agent for y^e proprietors of the Northern Neck and on Consideration of their grant whereby all Islands in y^e said River are convey'd to them, It is ordered that no Patent issue to the said Barrow for the said land, untill the same be viewed by the persons abovenamed & their Report thereof made.

May y^e 7th 1706

Present

His Excellency

Edmund Jenings

James Blair Comm^{ry}

John Lightfoot

Philip Ludwell

John Custis Esq^{rs}

William Bassett &

W^m Churchill Esq^{rs}

Upon reading at the Board the Sev^l Petitions of the officers of the Court of Vice admiralty, and of M^r Nathaniel Harrison agent appointed for prizes in this Colony, praying that the fees to y^e said officers of the Court of Vice admiralty, for the condemnation of the prize Ship called the name of Jesus may be ascertained:

His Excellency and the Council haveing heard the Sev^l Petitioners and also Cap^t Thomson Commander of her Majesties Ship the Woolwich the Captor of the said Prize, and haveing likewise searched for precedents of fees allowed to y^e officers of the Court of Vice admiralty on y^e Condemnation of such Prizes find that in y^e year 1697 a French prize called y^e S^t Ignace was brought in & condemned here, and there were certain fees then allowed to y^e said officers and finding no other

precedent of the like nature to direct their proceedings in this Case they do therefore allow y^e Same fees to y^e said officers for y^e condemnation of the prize called the name of Jesus viz to Judge £10 To the Reg^r £5 to y^e advocates £5 to the Marshal £2 for fees for the Commissions of the said officers £3 to the Register for Recording all the proceedings £2:7:6 and whereas this Board are very Sensible that y^e said fees are much too Small & not at all proportioned to y^e trouble and Charge the said officers of the Court of Vice admiralty have Sustained in y^e said Condemnation they do therefore rather choose to Recommend y^e said Officers to y^e Commissioners of the Prize office for a further allowance than to take upon them to determine the same here and that the said Commissioners may y^e better judge of the equity of granting further allowance, this board do further Represent to y^e said Commissioners that the circumstances of the officers of the Court of admiralty here are very different from those in England, or in most other of the Plantations there being no Towns here for their residence, Some of them live 20 miles distant from y^e place of holding Court and by that meanes not only their trouble in travelling to y^e Court but their expence in attending while in that Service, is much greater than where the officers live on the place where the Court is held, nor can it be expected that any of the officers here will ever think it worth their while to leave their Plantations & come to live at y^e Seat of the Government where y^e Courts are held, meerly upon y^e encouragement of the fees of their office, and those so casual and uncertain that only two prizes have been Condemned here during the whole course of this and the last war.

Upon y^e Representation of M^r Nathaniel Harrison Agent appointed for prizes in this Colony that he hath been a [at] great trouble in selling the prize called y^e name of Jesus with her cargo, & humbly moveing for y^e Recommendation of this Board to the Comm^{rs} of the Prize office that he may have Recompence suitable to his Service, His Excellency and the Council do thereupon certifie the said Comm^{rs} that the pains and trouble taken by y^e said Nathaniel Harrsion for Selling the aforesaid Prize & Cargo hath been extraordinary and much greater than usually accrues in Such Cases in other parts where there are towns where Merchants and purchasers reside and cohabit, and this Board are certainly informed that by the care and paine taken by the said Harrison in carrying the goods to be sold in different Rivers and places the prize hath been considerably advanced, and M^r Harrison haveing further acquainted this Board that he hath taken all the bills in his own name, and will run the Risque of any that shall be protested, So that y^e Commissioners of the Prize Office shall not be at any trouble nor Suffer any delay in payment of the value of y^e said prize & Lading. They do further certify y^e said Commissioners that in all matters of trade here Such as the disposing of Negroes &c. as well for the Royal African Company as for other private merchants, whensoever the Factor Stands obliged to answer all bills that shall be protested he is allowed 10 per cent for his factorage & risques & that is usual here when any Mercht^t reserves a considerable Sum in bills of Exch^a from sev^{ll} persons as in such sales it often happens he

will give 5 per cent to any person of note and Credit that will take the said Bills and answer the money in London. Upon all which this Board are of opinion that it is reasonable that M^r Harrison retain in his hands $6\frac{1}{2}$ per cent of the value Received by him and do not doubt but y^e said Commissioners will uot only approve thereof but also grant him such further allowance as upon consideration of the premises they shall think he deserves.

And ordered that a Suitable letter be prepared to be Sent to the Commissioners for prizes upon the two aforesaid Representations and that M^r Perry be desired to wait on y^e said Commissioners with y^e Same.

M^r Isaac Jamart, M^r Thomas Jones and M^r Nicholas Curle being appointed by the Court of Vice admiralty to appraise the Ship called the name of Jesus and her Cargo, by their Petition praying that their allowance for y^e said Service may be ascertained, and Cap. Thomson the Captor of the said Ship and M^r Harrison Agent appointed for manageing the said Prize haveing acquainted His Excellency and the Council that y^e charges of these appraisers as to their diet and accomodations were defrayed by them, It is therefore considered by this Board that ten Shillings per diem to each of the said appraisers dureing the time they were on that Service is a reasonable allowance.

Cap^t Robert Thomson Commander of her Majesties Ship y^e Woolwich haveing this day informed his Excellency and y^e Council that by a Vessell arrived at Kiquotan from y^e West Indies he hath Rec^d an account that 8 French men of war of 70 Guns each 12 frigots & 40 Privateers after haveing taken and destroyed all the Island of S^t Christophers except the Fort, sailed to Nevis and haveing landed 4000 men made themselves M^{rs} of the said Island which they have since destroyed. This Board takeing into consideration that y^e said Fleet and land forces may probably make an attempt on this Colony where no doubt they are informed there is so considerable a Fleet of Merchant Ships; Do therefore think it necessary to communicate the aforesaid advice to the House of Burgesses and desire their advice of the best meanes for putting y^e Country in a posture of defence in this Con-juncture & a message was drawn to be sent from his Excellency to the Burgesses accordingly.

May the 8th 1706

. Present

His Excellency

Edmund Jenings
Benj^a Harrison
John Custis Esq^{rs}
M^r Comm^{ry} Blair

Philip Ludwell
W^m Bassett
Henry Duke and
W^m Churchill Esq^{rs}

Upon Consideration of the late advices from y^e West Indies of the spoil and depredations committed there by the French, and y^e danger that threatens this Dominion if the fleet and forces of the Enemy should make a descent here.

Ordered that all the arms & ammunitions lying at James City be forthwith Removed from thence to Williamsburgh except so much thereof as is allowed for the Service of the Countys of Henrico, Charles City, Prince George, Surry, Isle of Wight, Nansemond, Northfolk, Princess Anne & Eliz^a City concerning which this Board will give further directions and ordered that M^r Henry Cary be directed & impower'd to employ Carts for removeing the said arms & ammunition to Williamsburgh & to employ such persons as he shall think for the better expediting the said Services, and this Board will take care to defray all such Charges as shall accrue thereupon.

Upon the Representations of Coll^o Rich^d Lee naval officer that by reason of the largness of that district, it will be for her Maj^{ties} Service that he have leave to appoint a Deputy in y^e upper parts thereof and recommending Coll^o W^m Fitzhugh as a person fit for that office, This board being sensible that it is for her Majestys Service that a Deputy Naval officer be appointed in Potomack River, the length of that district rendring it impracticable for one officer to have such a strict inspection on the trade as is requisite, and being Satisfied of the qualifications of the said W^m Fitzhugh do approve of his being Commissioned he giving Security and takeing the oaths as by her Majestys instructions is required.

Ordered that Henry Duke, Esq^r be appointed together with M^r Auditor Diggs to inspect & examine all the accounts of the late Auditor Byrd and to Report their observations thereon as soon as may be

May the 9th 1706

Present

His Excellency

Edmund Jenings

John Lightfoot

Benj^a Harrison

John Custis Esq^{rs}

M^r Comm^{ry} Blair

Philip Ludwell

William Bassett &

W^m Churchill Esq^{rs}

His Excellency haveing received from the House of Burgesses their advice & opinion for the better Security of the Country in answer to his Excellencys message of the 7th instant concerning the proceedings of the French in the West Indies laid the same before the Council. And upon consideration thereof it is.

Ordered that y^e Coll^o or chief officer of the militia now Residing within the Countys of Eliz^a City, Princess Anne, Northampton & Accomack be required forthwith to appoint such & so many fitt persons as by law are directed to look out to Seaward in y^e said respective Countys, and to take care that they attend at the respective places by the said Law enjoined and dilligently performe their dutys which said persons if they discover any Enemy are to give immediate notice to the said chiefe officer of Militia to the end he may convey the said intelligence with Speed to the Governor.

Whereas upon the advices received from the West Indies of the Spoils and depredations committed by the french on y^e Islands of S^t Christophers and Nevis, and upon consideration of the danger that

threatens her Majesties other Plantations from the power of the french Fleets and Land Forces in these parts if they should make a descent on y^e Continent It hath been thought necessary by the Gen^l Assembly that for preventing any intelligence being given to the enemy of the State of this Country and for the better preservation of the trade and Shipping now here on which the Enemy may be supposed to have a more peculiar design a generall embargo should be laid on all Ships and Vessells within this Colony It is therefore ordered y^t y^e Collectors & Naval officers be strictly enjoined to clear no Ships or Vessells bound out of the Capes untill the present fleet of Ships bound for England shall be directed to be cleared in order to sail hence under Convoy and in case the Master of any Ship or Vessell be desirous to sail into James River or York River for his greater conveniency or safety such master shall be obliged before he receives any Clearance or permitt, to give bond not to sail out of the Country untill the Departure of the fleet according to the law in that case made and provided and y^e said Collectors and Naval officers are hereby required to give immediate notice hereof throughout their Respective Districts

Ordered that the Collectors and Naval officers of the districts of York River and James River give timely notice to the m^{rs} of all Ships and Vessells riding in their districts to attend his Excellency and the Council on tuesday next being the 14th instant in order to advise of what may be necessary for their defence and preservation in case the French should attack this Collony

Ordered that a Proclamation be issued requiring all M^{rs} of Ships within this Colony that they do not on any account whatsoever fire or cause to be fired any gun on board their Ships for preventing any false allarms to the Country. that all persons who are owners or Masters of any Sloops, Shallops, Flatts or boats upon the first notice of the approach of an enemy be required to carry their said Sloops, Shallops &c as far up the respective Rivers or Creeks where they ly as they can possibly go for the better preserving them from being surprized by y^e enemy. That all Pilots & such other persons as are capable of being Pilots be required on their perill upon the first notice of the approach of the enemy to get on board her Majesties ship the Woolwich if possible or else to retire into the Country so that they may not be taken & made use of by the Enemy. That y^e Coll^{os} & Commanders in Chief of the militia of every County or the Chiefe officer of the Militia residing in each County do forthwith give notice to y^e respective Troops & Companys under their Command to be ready upon the first alarm of the Enemy to meet at a certain place in each County to be appointed by the said Chief officers and afterwards proceed for repulsing the enemy according as the said Chief officer shall direct, And that all persons serving in the militia be in areadiness with arms and ammunitions, and provisions to march for y^e defense of the Country. That all persons living near the Sea or bay or Rivers where the greatest danger is be required to have their best effects Stocks corn and other provision in such a readiness as that they may be carryed up into the Country and out of the reach of the Enemy if they should land. And ordered that M^r Attorney Gen^l prepare the aforesaid Proclamation.

For the better preventing any Ship or Vessell from sailing out of the Capes as well for the more early discovery of the approaches of an enemy. It is the opinion of the Board that it is for her Majesties Service that Cap^t Rob^t Thomson Commander of her Majesties Ship the Woolwich be desired to cruise about the Capes and to send to Maryland for her Majesties Ship the Advice to come to his assistance, and upon his discovery of the enemy to make such signals to the persons appointed to look out to Seaward on this occasion as he shall think fitt, and that he be further desired to stop all Ships and Vessells that shall attempt to sail out of the Capes during this time of Danger.

And this Board are further of opinion that it will be for her Majesties Service that his Excellency notifie these advices to the Governor of Maryland, and desire him to lay an Embargo on all Vessells bound from thence out of the Capes untill the Fleet & Convoy sail for England.

May the 10th 1706

Present

His Excellency

Edmund Jenings

John Lightfoot

Dudley Diggs

Benj^a Harrison

John Custis Esq^{rs}

James Blair Comm^{ry}

Philip Ludwell

W^m Bassett

Henry Duke

William Churchill Esq^{rs}

A Proclamation for the Security of the Country read & approved

His Excellency by advice of the Council was pleased to nominate & appoint Tully Robinson to be Sheriff of Accomack County and John Luke Sherif of Northampton for the ensuing year.

Whereas at this time of danger it is necessary that those parts of the Country that lye nearest the Sea and mouth of the Rivers be best provided with arms & ammunition as being most exposed to invasion and that it may be found convenient to raise batterys of great Guns at James City for the defense of the Shipping, It is ordered that only one half of the powder formerly allotted to the Frontier Countys be sent to them now, and that the Remainder ly for the Service of the Country untill further order.

A new Commission of the Peace ordered for Northampton County with the addition of some new Justices.

May the 11th 1706

Present

His Excellency

Edmund Jenings

John Lightfoot

Dudley Diggs

Benj^a Harrison

John Custis Esq^{rs}

James Blair Comm^{ry}

Philip Ludwell

William Bassett

Henry Duke &

William Churchill Esq^{rs}

Order that a new Commission issue for Richmond County & that M^r W^m Woodbridge M^r George Heale and M^r W^m Thomson be added in the place of those that have refused to sitt.

Upon reading and considering the 44th Act Assembly in the printed Laws which directs the method of appointed Sherifs it is the opinion of the Council that the said act is restrictive and that the Sherifs can't be cont^d above a year.

His Excellency in Council was pleased to nominate Sherifs for the severall Countys for this present year as follows viz for

Henrico.....	John Bolling
Charles City.....	Rich ^d Bradford
Prince George.....	Francis Mallory
Surry.....	Thomas Holt
Isle of Wight.....	Nath ^a Ridley
Warwick.....	Tho: Haines
York.....	W ^m Barber
James City.....	David Bray
New Kent.....	Roger Thomson
King William.....	Martin Palmer
King & Queen.....	John Walker
Nansemond.....	Luke Haveild
Northfolk.....	Matt Spevie
Princess Anne.....	Henry Chapman
Eliz ^a City.....	Francis Ballard
Midlesex.....	Matthew Kemp
Gloucester.....	Conq ^t Wyat
Essex.....	Tho: Merriweather
Richmond.....	W ^m Taylor
Lancaster.....	John Turberville
Northumberland.....	Rich ^d Hainie
Westmoreland.....	Will ^o Allerton
Stafford.....	George Mason

On reading the Petition of Joseph John Jackman Sherif of Surry County this Board takeing into consideration the great trouble and loss the said Jackman has sustained by being obliged to hold the office of the Sherif of the said County for these three years past contrary to his own inclination because no other would accept of it, and that the Collection of the Quittrents has lately become very inconvenient through this Seating of lands far back on the Nottoway River which he has been obliged to make convenient to the purchasers It is the opinion of this Board that as a gratification for his extraordinary trouble & loss 8 per cent be allowed him on all the Tobaccos collected by him for her Majesties dues this year for making the same convenient and for the future it is ordered that 4 per cent be allowed for conveniency to Sherifs of Surry, Isle of Wight, Prince George & Princess Anne Countys, the said Countys being seated so far back from convenient landing that no person will undertake the office of Sherif of those Countys so as to be obliged to pay her Majesties dues convenient on the former allowance.

Upon reading the Petition of Rob^t Easley setting forth that he obtained a Patent for 315 acres of land in Henrico County and entred Rights for the same, but upon further enquiry he found that the

said land was included in a Patentt formerly granted to Coll^o Byrd whereupon on his Petition to the Gen^l Court the Court ordered that [he] should have his Rights, again upon delivering up his Patent, & now haveing the Patent here ready to deliver he prayed his rights may be returned him, which Petition being thought reasonable M^r Secretary is desired to deliver up the said Rights to the Petitioner.

May the 14th 1706

Present

His Excellency

Edmund Jenings

John Lightfoot

Dudley Diggs

Benj^a Harrison

Robert Carter Esq^{rs}

M^r Comm^{ry} Blair

Philip Ludwell

Henry Duke

and

William Churchill Esq^{rs}

His Excellency understanding that Samuel Shinner M^r of the Sloop Lark of Antigoa was lately arrived from that port he was called before his Excellency & the Council and being interrogated concerning the spoils committed by the French in the West Indies, gave the following Information, that Sometime after last Chirstmas or towards the latter end of January as nigh as the informant remembers, a fleet of 4 Sail of French men of war and 35 Privateers came before Antegoa and lay there one day and after firing sev^l Shott into the Island sailed for S^t Christophers where they landed and destroyed the Island and Negroes (but did not attempt the Fort) that Major Johnson then Commander of the forces in the Leeward Islands sent out vessells from time to time to observe the motions of the enemy who severally returning, gave an account that the enemy was lying in harbour at Martinico but one of the said Vessells having in his cruise taken a French Shallop and brought the same with the men on board into Antegoa one of the Prisoners by meanes of a French Surgeon belonging to Major Johnson confessed (that all of them pretended before to know nothing of any design) that there were lately arrived at Martinico from France 8 men of war who were to joine with the other men of war & Privateers before at Martinico and attack Antegoa and the other Leeward Islands, that Mons^r Ducasse with 10 men of war more lay to the windward of Barbados in order to intercept the West India Fleet, and that after they had destroyed the English Islands they intended to go to Portobell to Convoy home y^e Spanish Galleons. Upon which information the Governor of Antegoa went immediately about putting that Island in a posture of defence That Major Johnson had sometime before drawn off all the Souldiers that were at Nevis to Antegoa in order to go with them & four men of war viz two that attended on Barbados, and two that attended on Antegoa, to attack Grand Tyrs or Mary Gallant That on thursday before Easter the French fleet appeared before Antegoa consisting of 14 large Ships (whereof 12 were men of war) and 34 sail of Privateers or small Vessells, that upon the first notice of that fleet, the two men

of war whose Station was at Barbados sailed from Antegoa thither and the two men of war whose Station was at Antegoa sailed thence privately (as the informant was told) without the Governors orders and on the first of April when he parted from Antegoa were not returned. That on good friday the French Ships arrived at Nevis & cast anchor just before the Fort, and furiously attacked the Same so that in four hours time they made themselves masters of it and the Island as it was reported by the Master of a Sloop who escaped from thence and came to Antegoa and that there were about 30 Sail of Ships and Vessells in y^e road at Nevis who all fell into the hands of the enemy: that when the informant came from Antegoa Major Johnson was there with 300 Souldiers, that the inhabitants in armes were about 1200 and that there were between 4 and 500 Negroes armed to whom the Inhabitants had promised their freedom if they behaved themselves well in the defence of the Island, that they were in expectation of the coming of the French every day, that they had conveyed all their women, children and effects to a place of strength called the Dodann and were employed in casting up intrenchm^{ts} and Fortifications round the Island. That about 3 weeks before the informant came away there were letters from England which came in the Pacquet Boat importing that 22 men of war were fitted out in France for the West Indies.

Several of the masters of the Ships lying in York and James Rivers according to appointment attending his Excellency in Council his Excellency was pleased to acquaint them with the advices he had received of the ravages made by the French in the West Indies and since it was uncertain whether they might bend their force this way to destroy the Ships in this Country, he desired them to advise amongst themselves of the best way for their preservation, and lay the same before him and the Council tomorrow.

May the 15th 1706

Present

His Excellency

Edmund Jennings
Dudley Diggs
Benj^a Harrison
Robert Carter

M^r Comm^{ry} Blair
Philip Ludwell
W^m Bassett
Henry Duke Esq^{rs}

The Masters of the Ships riding in James River being called in to lay before his Excellency their opinion of the best way for securing their Ships delivered in the following paper

To his Excellency Edward Nott Esq^r her Majesties Lieu^t and Governor Gen^l of Virginia In obedience to your Excellencys command requiring our opinion in the best way of securing our Ships.

We the Subscribers masters of the Merchant Ships in James River do think it most for our safety to lay with our Ships in Swin-yards Bay and we that are not already there, desire to be there as soon as possible & in case of any alarm occasioned by the enemy we humbly

pray that such a number of the Militia may be ordered to assist us as your Excellency and the Honorable Council shall think fitt, and that a proportionable quantity be ordered for each Ship, we judge James Town to be the most convenient place in James River for a Plattform and if two guns out of each Ship may be thought necessary for the better strengthening the aforesaid Plattform we are all ready to assist we likewise humbly pray that the Woolwich may be ordered to lay a little above James Town, where the laying in the Channell with the help of the Plattform may prevent any vessells passing by without great hasard of being subdued, this in all humility offered to your Excellencys better judgement by us.

Your most obedient humble servants

John Harrison, James Morgan, John Wilcox, Charles Johnson, Epa Read, Solomon Summer, Thomas Stringer, Francis Jones.

And in like manner the Masters of the Ships riding in York River delivered to his Excellency a representation in the following words: May it please your Excellency in Council

We haveing received your commands to deliver in writing our opinions about the best means for our preservation in Case this Colony should be invaded by the French do humbly offer as follows first that Tindals point may with a small Charge as moveing the guns there & throwing up some brestworks be made defensible and that the Ships Retireing above the works may not only ride in safety but preserve those that defend the works from being attacked in the rear by any forces that may land upon them.

2^{dly} That in Case such Superior force should arrive as should Render it impossible for us to defend ourselves there we may then Retire to West Pointe where y^e difficulty of the Channell and the Shoalness of the Water will prevent any great Ships from persueing of us & where also the narrowness of the River & Commodiousness of that place contributes so much to our advantage if we may with the greatest facility give an effectual repulse to all the forces that can there attack us, but being in daly expectation of a Convoy and humbly Supposing that it is much for our interest and Safety to be at Sea with all expedition we Conceive it is best that the Ships abide in their Respective Stations till such a necessity as above said is apparent.

3^{dly} That whereas in Case of such an Invasion it is most probable the first attack will be made upon the Ships in York River and that wee are in number and Value Superior to any one River in this Colony we humbly beg that the Commodore may be with us not only to strengthen our force but also to put us under such a Conduct and discipline as may tend most to the preservation of the whole

These things being what we apprehend most for our Safety we Submitt to your Judgment begging leave if any objections are made to lay before your Excellency & this honorable Board the Reasons y^t have induced us to be of this opinion what we have further to offer is our most humble & sincere Acknowledgment for the great regard you have been pleased to have to our welfare on so important an occasion asureing your Excellency and your honours y^t there is nothing so near and dear unto us that we shall not willingly hazard for the

preservation of your persons & the good of this Colony we are with all possible respect

Your Excellency's most humble and most obedient Servants

Jeremiah Turner, Charles Bartelett, Tho: Richardson, John Lofft, Edmund Forrest, John Thomas, Henry Scott, Constanting Cant, John Seabrook, Luke Knott, George Wray, Thomas Bagwell, Nich^o Humphrey, (absent and desired to sign in their behalf) John Brooks, Rich^d Widrington, John Olver, Joseph Mitchell, W^m Cant, Rob^t Ransome, John Rogers, Rob^t Hurst.

Upon Reading of both y^e said Representations and after consideration of the different opinions of the Severall Masters, This Board are of the opinion that the raising of batterys at Tindales Point as proposed by the Masters of the Ships in York River would be ineffectual to answer the end intended by it, That if the Ships in York River were all at West Point it would be a far greater Security to them because of the difficulty of the Channell and the narrowness of Pamunky River in which the said Ships might lye, and batterys at land might be of Service for their defence. That as to the proposal of the Masters of the Ships in James River for Raising a Plattforme at James City this Board are of opinion that a Plattforme alone would not be Sufficient that it would require a considerable charge and labour to make James Town so defensible as to be able to stop any Ship of war from passing there if they had a Land force with them to attack it by land also That if there were certain advice that the French intended actually to invade this Country it would then be adviseable to order all the Ships in the Country to James Town, and immediately to go upon the Fortification thereof, but as the advices now Received seem Rather to confirm that the French intended another way namely to Convoy the Galleons, it is not convenient to order any of the Ships from their present Stations especially contrary to the inclinations of the Masters lest if any accident should happen to them, it might be charged as a fault on this Governm^t. But that on this occasion his Excellency acquaint the Masters of the Ships in York district upon the first notice of the approach of the enemy (if such a misfortune should happen) to make the best of their way to West Point and if they will raise any batterys there they may make use of the great Guns lying at Tindales Point for that purpose. That the masters of all Ships in James River be directed to go up above Sandy Point and in both places they shal have the Militia to assist them in case of danger And y^e said M^{rs} were called in and acquainted therewith by his Excellency accordingly.

May 16th 1706

Present

His Excellency

John Lightfoot
Benj^a Harrison
James Blair Comm^{ry}

Philip Ludwell
W^m Bassett
Henry Duke Esq^{rs}

Upon application from the Court of Essex County ordered that a new Commission of the Peace issue for the said County and that

Sam^{ll} Thacker, Edward Guildman, Thomas Harwar & John Lomax be added and that Tho: Edmundson, John Battail & Daniel Dobbin haveing Refused to sett be left out And ordered that M^r Samuel Thacker be put in his former place

May the 22^d 1706

Present

His Excellency

Edmund Jenings

Rob^t Carter

John Lightfoot

M^r Comm^{ry} Blair

Dudley Diggs

Philip Ludwell

Benj^a Harrison Esq^{rs}

W^m Bassett &

Henry Duke Esq^{rs}

His Excellency was pleased to acquaint y^e Council that upon the late news of the proceedings of the French in the West Indies & the apprehensions of the danger that threatned this Colony if they should make any attempts here, he had taken a view both of James Town and West Point, and found them both to be places capable of being fortified, so as to be a Security for the Shipping. That the natural situation of James Town amongst marshes and being almost encompassed with water would secure it from being surprized by an enemy by land, and the Channell of the River running so nigh the Shore, it would be impossible for any Ship to pass by it, if good Fortifications and batterys were made towards the River, That West Point is likewise a place almost encompassed with marshes and enclosed with two Creeks which will secure its being attacked by land, and good batterys on the point would defend the Entrance into Mattapony River & secure all Vessells that could go in there, and would also disturb the enemys Ships in their going into Pamunky River where all the great Ships may ride, and not far from the mouth of Pamunky River there is a bite or cove where the Channell is very narrow, and if a Fort were built there it would not be possible for any Ship to pass it, but as this last place is on the main land there must be a regular Fortification built there lest the enemy should attack it by land. And these two places in James and York Rivers would be sufficient for the Security of the Merchant Ships in those Rivers on any Invasion. Whereupon the Council are of opinion that his Excellency Communicate his observations of those two places in a Message to the house of Burgesses and a message was prepared to be sent to the House thereupon accordingly.

His Excellency in Council signed the following warrants on y^e Receiver Gen^{ll} to be paid out of her Majesties Revenue of 2^s per hogs-head &c viz

To his Excellency for half a years sallary ending the 25th of April last one thousand pounds

To his Excellency for half a years houserent ending the same time Seventy five pounds

To the Gent of her Majesties Council half a years Sallary ending the same time 175 pounds

To W^m Blathwyat Esq^r, Aud^r & Surveyor Gen^l &c half a years Sallary ending the same time 50^{li}

To Coll^o Nath^a Blackiston Sollicitor of the Virginia affairs half a years Sallary ending the same time 50^{li}

To Stephens Thomson Esq^r Attorney Gen^l half a years Sallary ending the same time 20^{li}

To W^m Robertson Clerk of the Council halfe a years Sallary ending the same time 25^{li}

To Edward Ross Gunner at James City half a years Sallary ending the same time 7^{li}:10^s

To M^r Comm^{ry} Blair for so much paid sev^l Ministers for their attendance on Gen^l Court & Assembly 10^{li}

To W^m Robertson Clerk of the Council for Messages and other contingent Charges paid by him 36^{li}:12^s:11^½

And likewise the two following warrants on y^e Quittrents according to her Majesties Directions Viz to M^r Comm^{ry} Blair half a years Sallary ending as above 50^{li} and to Stephens Thomson Esq^r half a years additional Sallary 30^{li}

M^r Aud^r Diggs and Henry Duke Esq^r haveing made report of their proceedings in the examination of the acco^{ts} of the late M^r Aud^r Byrd, It is ordered that the said Report and acco^{ts} ly upon the table for further consideration.

May the 23^d 1706

Present as yesterday

M^r John Martin produceing before this Board a Certificate under the hand of the Lieu^t Governor of Antegoa of his haveing transported thither the Nansiatico Indians and sold them there for 7 years only according to the Condition of his Bond given here before the transportation of them, upon his motion, his bond is ordered to be delivered up to him to be Cancelled.

Upon the Petition of the Nottoway Indians praying that a grant may be made them of a parcell of Land lying between the land already laid out for them on the southside of Nottoway River and their Quiocosin house. M^r Nathaniell Harrison who hath taken up y^e said land being called in and heard thereon contented that such a Road as shall be judged Convenient be laid out and marked for the said Indians from any part of their bounds to their Quiocosin house at their election, provided that y^e same may not be altered hereafter Which proposal being judged reasonable It is ordered that a road be laid out accordingly which road shall continue hereafter to be their Road to their quiocosin house and that the possessor of the adjoining land shall not disturb the said Indians in their passing to and from y^e same, and it is also ordered that the said Indians in all time hereafter have free liberty to pass and repass between their own land and the said Quiocosin house by water without interuption of any of the proprietors of the Land adjoining on y^e River or Creeks between the said places.

Ordered that W^m Armistead Gent be continued Coroner of Elizabeth City County as formerly.

Rich^d Ligon by his petition praying allowance for Surveying and laying out five thousand and fourty acres of Land for the French Refugees inhabiting at the manakin Town, ordered that the said Ligon be paid for y^e same in tobacco according to law. And that M^r Auditor give directions to the late Sherif of Henrico County to pay so much as shall be found due to the said Ligon out of the quittrents of that County in his hands and that so much of the quittrents as shall [be] employed be repaid out of the 2^s per hogshead at the rate the rest of the quittrents of that County shall be sold for.

May 24th 1706

Present

His Excellency

Edmund Jenings

M^r Commissary Blair

John Lightfoot

Philip Ludwell

Benj^a Harrison Esq^{rs}

W^m Bassett &

Henry Duke Esq^{rs}

This day his Excellency haveing called for the several following bills passed the Council and house of Burg^s viz for Regulating the Election of Burg^s &c prescribing the method of appointing Sherifs &c declareing who shall not bear office in this Country, against importing Tobacco from Carolina, for ascertaining the gage of Barrells for pork pitch &c, concerning Tithables, concerning publick Claims, concerning the Collection of publick & County Levys, directing the building and maintaining of Prisons &c, prosecution of Slaves committing Capital Crimes, to prevent y^e clandestine transportation of persons in debt, Servants and Slaves out of this Country, Concerning Waifts and Strays, against Stealing hogs, for prevention of Trespasses by unruly horses & giving a reward for killing of Wolves, and haveing inspected into y^e alterations made therein by the Assembly, was pleased to ask y^e advice of the Councill thereupon. Upon which the Council do humbly offer their opinion, that the alterations made in the said bills are not material, nor is there anything altered that seems to be in the least inconsistent with the directions from England so that they conceive it may be very proper for his Excellency to pass the said bills at the same time as he passes the act for laying an imposition on Liquors and Slaves now ready for his assent.

M^r Henry Cary haveing exhibited an account of his Charges in Removing the arms & ammunition from James City to W^m^sburgh y^e same was examined & allowed and his own trouble considered. It is ordered that y^e Receiver Gen^l pay unto the said Cary y^e Sum of £15.4^s.6. in full of y^e said acco^t and his trouble out of her Majesties Revenue of 2^s per hogshead.

May the 31st 1706*Present*

His Excellency

Edmund Jenings
 John Lightfoot
 Dudley Diggs
 Benj^a Harrison

Robert Carter
 James Blair Comm^{ry}
 Philip Ludwell
 Henry Duke Esq^{rs}

Upon the representation of Cap^t Robert Thomson Commander of her Majesties Ship the Woolich, Ordered that Coll^o W^m Wilson and Major Sam^l Boush or any of them be desired to hyre a Country Sloop dect to attend her Majesties Ships the Woolwich and Advice for such time as his Excellency and Council think fitt, and to provide one man to go in the said Sloop that may be capable in case the French should attack this Colony to sound before the said Ships of war for the better conducting & piloting them to such places of safety up the Bay as the said Cap^t Thomson shall direct and ordered that the hyre of the said Sloop & man be paid out of her Majesties Revenue.

Upon reading the complaint of Rob^t Slocum & James Walker inhabitants of Accomack County in this Colony that Captain Lowing Commander of her Majesties Ship the Advice hath impressed them from on board a Sloop going up the Bay to Maryland; Testimony being given at this Board by the two Burgesses of the said County that the Complainants have been for sev^l years past settled Inhabitants having wives and families there His Excellency and the Council do hereby recommend to Cap^t Robert Thompson Comm^{der} of her Majesties Ship the Woolwich to give directions to the said Cap^t Lowing forthwith to discharge y^e said Slocum & Walker. And this Board do further desire y^e said Cap^t Thomson to take notice that by her Majesties instructions it is directed that no Captain of any of her Majesties Ships of war shall impress any man within this Colony nor within sight of the land thereof without a particular warrant from the Governor for so doing.

June the 1st 1706*Present*

His Excellency

Edmund Jenings
 John Lightfoot
 Benjamin Harrison
 Robert Carter Esq^{rs}

M^r Comm^{ry} Blair
 Philip Ludwell
 and
 Henry Duke Esq^{rs}

His Excellency haveing this day asked the advice of the Council concerning the commissionating the collectors of the impositions lately laid by act of Assembly The Council do thereupon acquaint his Excellency that y^e Naval officers have always been impowered in their sev^l precincts to collect the Virginia dutys and that since his Excellency hath thought fitt to continue the present Naval officers in their office It is their opinion that the Collection of the present Impositions be committed to them.

Executive Journals, Council of Colonial V

A forme of an oath being prepared to be taken by the
of the impositions on Liquors & Slaves for the due execution
their respective offices was approved in Council, and orders
Commissions be prepared to such persons as his Excellency shall
think fitt to administer the said Oath to Coll^o Rich^d Lee, Coll^o Gawin
Corbin, Coll^o W^m Wilson, Major Arthur Allen, and M^r Hancock
Custis in y^e respective Countys where they live it not being judged
necessary to order them hither on this occasion.

June y^e 7th 1706

Present

His Excellency

Edmund Jenings
John Lightfoot
Benj^a Harrison

Robert Carter
James Blair Comm^{ry}
Philip Ludwell Esq^{rs}

A new Commission of y^e Peace for Prince George County was
this day ordered upon a representation from the Court of that County.

June the 10th 1706

Present

His Excellency

Edmund Jenings
John Lightfoot
Dudley Diggs
Benj^a Harrison

Robert Carter
M^r Comm^{ry} Blair
and
Philip Ludwell Esq^{rs}

Whereas information is given to this Board that y^e Nottoway
Indians have lately behaved themselves very insolently toward the
English by sev^l Speeches & discourses of some of the said Indians
give great suspicion of some ill design Speedily to be executed on
y^e English inhabitants living near them, It is therefore ordered that
Coll^o Benj^a Harrison be impowered and desired to call before him
such persons as can give Testimony of the designs of the said Indians
and take their examinations upon oath and in case he find cause to
send for the said Indians, and examine them touching y^e said design,
and if they either refuse to come or that the design appear probable
to raise such forces as he shall think necessary to take and secure
y^e said Indians and either send them forthwith to W^m^sburgh if he
finds it necessary or send account to the Governor to the end further
directions may be given as that case shall require.

Upon the representation of the Court of Nansemond County
ordered that a new Commission issue for y^e said County, and that
James Jossy, Henry Baker, James Fowler, John King, and Joseph
Merideth be added.

His Excellency signed a Patent to Benj^a Harrison jun^r for 4583
acres of land in Prince George's County.

June 12th 1706

Present

His Excellency

Edmund Jenings
John Lightfoot
Dudley Diggs
Rob^t Carter Esq^{rs}

M^r Comm^{ry} Blair
Philip Ludwell
and
Henry Duke Esq^{rs}

Upon reading at this Board a letter from Cap^t Robert Thompson Commander of her Majesties Ship Woolwich informing his Excellency that one Thomas Pitton M^r of the Ship Factor of Biddiford is now under seizure of Captain Lowin of her Majesties Ship Advice for piracy and Robbery upon the high Seas by takeing out of a Ship of a neutral Country sev^{ll} Casks of wine, and desireing the said Pitton may be brought to his trial It is the opinion of the Council that before any proceedings be had on y^e said Information M^r Attorney Gen^{ll} be sent for to give his opinion in law upon the whole case and that a letter be prepared for his Excellency signing to be sent to Cap^t Thompson that after M^r Attorney Gen^{ll} hath given his opinion therein, he shall have an answer about y^e trial desired by him, and that upon considering the act of Parliam^t for suppression of piracy this Board do not apprehend that the ship and Cargo are lyable to forfeiture for y^e crime of the M^r or crew supposing the same to be piracy as is suggested and that therefore it may be recommended to Cap^t Thompson to take care that no embezzlement be made of the same untill it shall be declared to whom the right shall belong.

Ordered that Edward Ross be directed to cause the great Shott at James City to be dugg up and sorted, and secured in the store house, there, & give his Ex^{cy} an account of the quantity of each sort.

June 13th 1706

Present

His Excellency

Edmund Jenings
John Lightfoot
Dudley Diggs
Robert Carter Esq^{rs}

M^r Comm^{ry} Blair
Philip Ludwell
and
Henry Duke Esq^{rs}

W^m Holderbee of King William County petitioning for a *Supersedeas* to stop the execution of a judgement of the said County Court obtained against him in an action of the Case for words at y^e Suite of W^m Foard and Barbara his wife Upon consideration of the said Petition & y^e matter therein complained of the said Petition is rejected.

W^m Motson M^r of the Sloop Dolphin and Henry York M^r of the Sloop Seaflower both belonging to New York by their Petition setting forth that their said Vessells are now lying within this Colony ready to sail for New York as they have been a Considerable time but by reason of an Embargo have been obliged to stay here to their

great expence and damage to their owners and that there being now in this Colony y^e Laystoff man of war bound for New York & ready to sail humbly pray liberty to sail thither under her convoy Cap^t Fane Commander of y^e Laystoff haveing at this Board undertaken to take y^e said 2 Sloops under his Convoy & care and see them safely into New York, It is the opinion of the Council and is hereby ordered y^t the said Sloops Dolphin and Seaflower be permitted to sail with the said convoy & the Collectors and Naval officers of the districts where y^e said Sloops ride are hereby directed to clear them accordingly.

June the 15 1706

Present

His Excellency

Edmund Jenings
Jn^o Lightfoot
Rob^t Carter Esq^{rs}

James Blair Com^{ry}
Henry Duke
Philip Ludwell Esq^{rs}

Whereas upon y^e information of Cap^t Robert Thompson of her Majesties Ship Woolwich against Thomas Pitton M^r of the Ship Factor of Biddiford for Piracy by him committed upon the high Seas in takeing out of a hoy belonging to the Subjects of a Neutral Country in amity with her Majestie certain Casks of wine & brandy, It was referred to M^r Attorney Gen^l to consider y^e said information & examinations therewith sent, & Report his opinion thereon and y^e said Attorney Gen^l having in pursuance thereof given in his opinion in y^e following words.

“ Having perused a letter from Commodore Thompson to his Excellency in relation to y^e Ship (Factor of Biddiford) & the Captain thereof haveing committed Piracy, as also some depositions inclosed in y^e said letter, I am of opinion, & do conceive, that y^e matter therein alledged is not sufficient or ground enough to try him for Piracy, but is good Cause for the Comm^{rs} nominated in a Commission from his late Majesty &c to examine and make further Enquiry therein, & if they see cause to call a Court & proceed according to the Act made in y^e 11th & 12th of the late King entituled an act for y^e more effectual Suppression of piracy.

“ I conceive there can not be any determination made or Judgem^t given whether that Ship is liable to be seized till further enquiry be made into y^e fact as whether y^e hoy was a Neutral vessell or whether y^e Cap^t purchased y^e wine and am of opinion that the merchants Cargoe on board & designed to be imported hither is not liable to be seized whatever y^e Ship may be.

S. Thomson A G

His Excellency by advice of her Majesties Council doth hereby order and direct that all witnesses relating to y^e Piracy afores^d be brought up to W^m^sburgh on Friday next, to be examined upon oath before y^e Commissioners appointed for tryal of Pirates within this Colony in pursuance to y^e act of Parliament for y^e more effectual

Suppression of Piracy, and that Cap^t Robert Thompson or Captain Lowin in whose Custody they are take care that they be sent accordingly that so y^e said Commissioners may be enabled to proceed further therein according to Law as y^e matter shall appear to them, and for y^e more speedy proceeding upon the trial of the persons complained against It is hereby ordered y^t Cap^t Thompson or such other as he shall appoint to appear for him to prosecute the aforesaid information have notice to attend at y^e aforesaid time and place, with y^e persons accused, of y^e aforesaid crime.

And whereas it hath been represented to this Board y^t if the said Ship Factor of Biddiford is longer detained at Kequotan she will be in danger of being eaten by the worme, his Excellency by advice aforesaid doth hereby recommend to y^e said Captain Robert Thompson to send y^e said Ship up into the Freshes of James River for her better preservation untill y^e determination of the aforesaid Trial, and in y^e mean time it is ordered y^t the goods and merchandizes on board y^e said Ship imported into this Country for sale be forthwith delivered unto M^r Smith the factor who imported y^e same, it appearing by M^r Attorney Genn^{lls} report that y^e same are not liable to any Seizure or forfeiture in this case.

June 17th 1706

Present

His Excellency

Edmund Jenings
Dudley Diggs
Benj^a Harrison
Robert Carter Esq^{rs}

James Blair Comm^{ry}
Philip Ludwell
and
Henry Duke Esq^{rs}

Upon the complaint of W^m Barber Sherif of York County and Barrentine Howles his under Sherif against Robert Ranson M^r of the Ship Thomas & John for beating and abusing y^e said Barrentine Howles while he was about the execution of his office in serving sev^{ll} writts upon the said Ranson.

It is ordered that Robert Reid W^m Buckner and Lawrence Smith Gent Justices of York County or any two of them be impowered and directed to take the examinations upon oath of all witnesses that shall be brought before them by either party in relation to y^e said Complaint giving due notice to both partys of the time and place when they intend to take y^e examinations and that they return an account of their proceedings with all speed to y^e Council office.

Ordered that Henry Briggs be commissioned Interpreter to the Nottoway Maherine and Nansemond Indians in the roome of Thomas Wynne who has been found very very remiss and negligent in his office.

June y^e 20th 1706*Present*

His Excellency

Edmund Jenings

M^r Comm^{rs} BlairBenj^a Harrison

Philip Ludwell &

Robert Carter Esq^{rs}Henry Duke Esq^{rs}

His Excellency having called for y^e sev^{ll} bills past by the Council and Burgesses this Session of Assembly which have not yet received his assent, asked the [illegible] and advice of the Council whether they be proper for him to pass, and that they would point out y^e material differences between those bills and those Sent in & amended by the Lords Comm^{rs} for Trade, that he may be the better able to judge of them. pursuant whereunto the Council proceeded to give their opinion thereon as follows viz That they observe y^e Lords Commissioners for Trade have distinguished between the bills which are of a publick nature and whereon the interest of the Crown is Chiefly concerned, and such only as concern the Subjects In the first of which their Lordships have very plainly and fully signified such alterations as they thought proper to be made therein but as to the latter they seemed to leave them to the Assembly to suit them to the Circumstances of the Country and it is not to be doubted, but their Lordships knew well that these bills (being only prepared by a few men) who were appointed to methodize & Collect the old Laws into a lesser compass) would receive sev^{ll} additions & alterations when they came fully to be debated in a full Assembly and therefore tho' in sev^{ll} of the bills there be some alterations now made by the Assembly since they are such only as are calculated for the circumstances for the Country and are not inconsistent, with nor contrary to her Majesties prerogative nor instructions, the Council are unanimously of opinion that his Excellency may with safety give his assent to them.

As to the particular bills on which the Lords Commissioners for trade have been pleased to signifie their alteration they are.

The Bill for effectual Suppression of vice &c here y^e Lords made it penal for persons above 15 years of age to be absent from Church one moneth, but the house of Burgesses have only made that penally to extend to persons of 21 years and upwards and tho' the Council insisted to have it amended, they would not agree to it otherwise, and the reason they gave seemed obvious enough viz that generally persons under that age have nothing to pay their fine, and if in lieu thereof a corporal punishment should be inflicted on them; the shame of that would cause them to join with the dissenters and desert the Church altogether. There was also a proviso added by the Lords to exempt the Clergy from the punishments in that act and that they should suffer as the act concerning the Clergy directed but the Council foreseeing that that act was not like to pass have varied that proviso yet so as it retains y^e same Substance as that proposed by their Lordships. These being all the alterations in this bill the Council are of opinion, that it is fitt to be passed.

The Bill concerning marriages. In this Bill the Lords Commissioners for trade thought fitt to strike out a clause which made it penal for Ministers marrying Servants without a certificate from the Master or Mistress this clause is continued in the bill, qualified so as that it only extends to such ministers as willingly marry such Servants, which will equally answer what their Lordships intended by the leaving out that clause, there is some other alteration made in this Bill by the Assembly as for instance an account of marriage licences was to be returned to y^e Secretarys office and a fee settled for filing that account there, but as the bill is now passed the said account is to be sent to the Governor himself and the fee to y^e Secretarys office is taken away, It is to be noted that all y^e use of making this return to the Secretarys office was only for the Governors having a true account in each County, And this return to the Governor himself will be as sufficient for his Satisfaction. the other alterations are only as to the better paying the Governors dues and not material So that upon the whole the Council are of opinion this Bill is very fitt to be passed.

The bill for the Establishing the Gen^l Court. This bill as prepared by the committee established five judges of the Gen^l Court and prescribed the time of their continuance and their qualifications &c but the Lords Comm^{rs} for trade thought fitt to alter this method and to appoint the Governor and Council to be judges and the bill is now passed accordingly which was all the alteration their Lordships were pleased to make in it but the oath of a judge in the Gen^l Court being prepared for Judges as aforesaid distinct from the Governor and Council, a Clause was inserted therein in these words, "and that you shall not know any hurt or disherison of the Queen but you shall make the same Known to the Governor or Commander in chief of this Colony and Dominion of Virginia for y^e time being. Now these words are left out in that Oath, because the oath being gen^l as to all; the judges whereof the Gov^r himself is one, it would have been incongruous to have continued it therein. For this bill as prepared for the Com^{tee} three Gen^l Courts were appointed in a year which are now reduced to two as has been the Custom heretofore, The inconveniencys that attend y^e holding of a Court in December would have rendred it abundantly more troublesome then useful to the Country the Sharpness of the Season, y^e unpassableness of the great rivers at that time of the year would have occasioned unavoidable delays in business. So that this Court would only have proved burdensome to the Governor and Council and been of no benefite to the Country. Another alteration made by the Assembly is that whereas in the bill prepared by the Committee no Error was to be assigned on an appeal to the Gen^l Court if the Clause was under five pound Sterling but Errors in matter of Right if above five pound and under twenty pound only Errors in matters of Right and such others as were insisted on in the County Court and in actions of above 20^{li} pound value all Errors either in forme or Substance were to be assigned. The Restrictions in pleading in y^e two first cases are now limited to causes of 20^{li} and 50^{li} respectively: And only in personal actions of above 50^{li} value, and all real actions

&c y^e privileges of assigning Errors in form as well as of Right is now extended. The reason of the alteration seems agreeable to her Majesties instructions which requires that appeal for triviall and small cases be discouraged as much as possible. So that these being all the alterations in this Bill the Council are of opinion that it is fitt to be passed.

The Bill concerning the granting seating and planting of Land. In this bill the Lords Commissioners for trade were pleased to propose the following Restrictions first that no person should acquire a Right to take up land for importation, but the person imported, 2^{dly} that no greater quantity of Land should be allowed to any one person than 400 acres 3^{dly} that every person takeing up land should plant and tend 3 acres of land for every 50 acres taken up. To the first and Second of these y^e Council have endeavoured to suit this Bill to the intentions of their Lordships and the circumstances of the Country first in the manner of obtaining Certificates of Rights for importation which is solely restrained to the persons imported and their assignes, 2^{dly} that no greater quantitys of land will be taken up than the persons are able to Cultivate for as five hundred acres of new land allowed in this Bill, is little enough to encourage a man to Settle at first with a prospect of advancing his fortune by his industry, So the quantity Superadded to such as have Stocks of Tithables will be but as much as they can well cultivate, Since all who are acquainted with y^e planting of Tobacco know that it requires almost every year new ground and a vast expence of timber for fencing cask and housing, and it would have been no encouragement to any man to go out & Settle in a remote place upon a Small tract of land which he knew in a few years he must wear out. but as to the seating proposed by their Lordships the Council are humbly of opinion that it is impracticable and had it been put in the bill would have been equal to a prohibition to take up land for none would ever have been taken up on those terms, and thereby it would have come to pass that all y^e Single persons and poorer sort of people would have gone to Maryland and North Carolina where land may be had on easier conditions, and we see already that the easie terms on which land is to be had in North Carolina and y^e restrictions on lands here doth dayly draw away many of our inhabitants thither whereby their labour in planting Tobacco for the encrease of her majesties Customs is totally lost, and great quantitys of land lyes here unseated which otherwise would be taken up to the advancem^t of her Majesties quitt-rents. This bill as it is now passed is a very advantageous bill for her Majestys Revenues and will bring a considerable advance to it yearly by the sale of Rights which will almost be y^e only way of taking up land, and is a bill that has many good clauses in it for securing tittles to Land and for preventing law suits & therefore the Council are of opinion it is fitt to be passed.

The bill for raising a publick Revenue. The Lords Commissioners for trade were so well satisfied with this Bill as it was passed by the Committee that they made but one Single alteration in it, which is now accordingly inserted in the Bill, And there is no reason to

apprehend that the other alterations made by y^e Assembly and which are chiefly for y^e advantages and increase of that Revenue will be less acceptable to them. these alterations are as follows first y^e appointing the 15^s per tunn to be paid according to the Tunns every Ship measures in which y^e Assembly were directed by an act made in the reign of his late Majesty King William, this was formerly paid according to the tunns mentioned the Register, and has been found many times to be far less than the true burthen, 2^{dly} the reducing y^e allowance to the M^{rs} for making due Entrys and prompt payment from 10 per cent to 6 per cent As to this the Burgesses made y^e allowance to y^e M^{rs} only 5 per cent & y^e Council found they would never agree to allow ten per cent as formerly, So that y^e Council were willing to get it passed at 6 rather than loose it altogether & they were of opinion that y^e M^{rs} allowance was sufficient for y^e Service required of them in giving bills of Exch^a & as for y^e making true Entrys, they are obliged to give acco^t of their Ladings upon oath so that y^e allowing 10 per cent would have been no greater obligation than the 6 will be. and 3^{dly} the reducing the Sallarys from 10 to 6 per cent, in y^e same manner, To this it may be observed that the Revenue of 2^s per hogshead is considerably encreased above what it was at the making of the former act, in so much that y^e 6 per cent now is at least equal to what the 10 per cent then amounted to so that the present allowance will still be sufficient encouragement for the executing the offices, and after all the deductions now made there is yet 20 per cent payable for the collection of the Queens Revenue which is very considerable. The other alterations made in this Bill are these in the preamble amongst the severall uses for which this Revenue is raised [Forts & Fortifications] are inserted and there is a Clause added ascertaining the sallary of the Council. The first of these is the only thing that seems to admitt of any Scruple, and for that reason the Council proposed the Striking out the words [forts & Fortifications] but the Burgesses would not agree to it but upon a full consideration of the importance of this bill and the advantages to the revenue in it more than in the last act for the revenue, the Council thought fitt not to insist on y^e expunging the [forts & Fortifications] and they hope the reasons that prevailed with them will be of weight to Satisfie his Excellency viz that these words can never be construed so as to oblige the Govern^t to build forts & Fortifications out of that Fund, because the other necessary charges of the Govern^t will never leave a Sufficient Fund for it, the most that Can be inferred from it is, that if forts are built, they are to be maintained out of this Revenue but if by that meanes the Fund proves deficient the Country must then supply it by another way. But as the Burgesses have very possitively insisted on the continuing forts and Fortifications in the Preamble of the bill if for that reason it should be laid aside then the former law is still in force, and these very words are in the Preamble of it, so that the rejecting of this bill would only be y^e losing of an advantageous law, and being forced to be contented with one less advantageous to the Crown. The clause ascertaining the Sallary of the Council comes properly enough in this bill, & was only omitted

by the Committee who revised y^e laws, the same Sallary being ascertained them by an old act of Assembly. So that the Council conceive there is nothing in this Bill that can reasonably be objected against y^e passing it.

The bill for establishing the County Courts &c. The Committee who prepared this Bill having made y^e advice and consent of five of the Council at least necessary to the nomination of Justices of the peace the Lords Commissioners for trade were pleased to strike out the advice & consent of the Council, and to leave that nomination solely in y^e Governor. So that when the bill came up from y^e Burgesses passed according to the Draught of the Committee the Council were at a loss how to amend the bill so as to suit it with her Majestys prerogative (which they saw was the intention of the Lords) and to make it go down with the house of Burgesses. And having considered her Maj^{ty} instructions to his Excellency which directs the Commissionating Justices of the Peace with advice and consent of the Council, they proposed that the bill should be amended thus, viz that the word (consent) should be left out, and the restriction of haveing y^e advice of five of the Council at least should be also left out, So that y^e Justices should be appointed by the Gov^r with y^e advice of the Council. To this the Burgesses agreed so far that y^e consent of the Council should be left out, but would by no meanes recede from y^e other part insisting that the advice of five of Council at least should be made requisite to y^e nomination of Justices of the peace. The Council are of opinion that this bill, is a very good & necessary bill for directing y^e manner of proceeding in the County Courts and they wish his Excellency could with Safety give his assent to it, Whereupon his Excellency was pleased to say that he could not pass it as it is now prepared because the Lords had particularly struck out the advice of the Council in y^e bill sent for England but that he would lay it before their Lordships for their directions therein and that it would not be at all disagreeable to him if y^e Lords thought it fitt.

The bill for the encouragem^t of building Mills The Lords Comm^{rs} for trade having thought fitt that y^e word [fulling mills] w^{ch} was in y^e bill prepared by the Com^{tee} should be left out: accordingly it is not mentioned in this Bill.

The bill for the better Securing the liberty of the Subjects, Tho^r the Council and every man who has settled himself in this Colony would be very desirous to Secure to themselves, and their posterity such considerable priviledges and libertys as this bill enacts, yet the directions of the Lords Comm^{rs} for Trade being so plain against the passing it y^e Council are unanimously of opinion y^t his Excellency do not give his assent to it.

The bill for Settling the Militia, all the amendments made by the Lords Commissioners for Trade was in the first proviso, where y^e severall persons are exempted from being listed, their Lordships added as private Souldiers, Tho^r this amendment of their Lordships is not *in terminis* expressed in the bill, yet it is fully answered in the Subsequent Clauses and proviso's where all those exempted persons are

obliged to serve in case of invasion or Rebellion, in such Stations as are suitable for Gent. And in Generall there are other alterations made by the Assembly which makes this bill better than what their Lordships had under their view viz that a penalty of 10^{li} or 3 moneths imprisonment is laid on all such persons as do not appear in case of invasion and the Clerks of the troops are obliged to be provided with arms, Wherefore the Council are of opinion it is fitt to be passed.

There are two other bills on which their Lordships were pleased to signify their pleasure, one is the bill concerning y^e Church Clergy &c as to which the Council humbly take leave to informe his Excellency that they used, their utmost endeavors to procure the passing thereof to y^e advantage of the Clergy in their maintenance, and Settlement, and to keep up and preserve the Ecclesiastical Jurisdiction of the Bishop of London according to her Majesties Instructions and to that end had offered severall expedients where the alterations proposed by the Lords would not be accepted as may be seen at large in the Conference on the Councils Journal but very little has been agreed to by the Burgesses, so that at last the Council have rather chosen to lay aside that bill than to yield to terms so disadvantageous to the Clergy as y^e Burgesses proposed, hoping that another Session may produce more favourable inclinations in that house with respect to such a bill

Another is the Bill ascertaining y^e currant rates of forreign Coins &c. This bill was prepared by the Burgesses according to her Majesties Proclamation and they were very zealous to have it passed imagining that it would bring money into the Country which at this time is very scarce, but the Council considering that the making money Currant according to her Majesties Proclamation would undoubtedly lessen her Majesties revenue the Sallary of the Governor and all officers of the Government, which is now equal to Sterling, and that by raising y^e value of the money y^e course of Exchange which is now at par would speedily be raised to 25 or 30 per cent thought it expedient to lay aside that Bill.

The sev^{ll} acts w^{eh} were proposed by the Com^{tee} to be Continued in one Act are now passed separately according to y^e directions of y^e Lords Com^{rs} for Trade.

These are all the bills upon which the Lords Commissioners for Trade were pleased to signifie their directions But their Lordships haveing thought fitt upon former occasions to recommend some other matters as proper to be put into laws The Council have taken care therein which they hope will be acceptable, as for example in the bill concerning Servants and Slaves, every male Servant is to have a gun given him by his master at y^e expiration of his Servitude, and some further care is taken for preventing the severitys of Masters and due provision made for prohibiting the bringing in and Selling of Negroes and Mulattos as Slaves who were free in any other Christian Country.

In the bill for preventing misunderstandings between the Tributary Indians and other her Majesties Subjects, a new clause is added to prohibite the purchasing or takeing Leases of any Land from

them on any colour whatsoever, or selling any Rum or Strong Liquor within their bounds upon Severe penaltys which was the chief occasion of former Broils and quarrells with y^e Indians, and lastly the bill for improving the Staple of Tobacco and regulateing the size and tare of Tobacco hogsheads is now made much more strict & penal than that which was under their Lordships view

The other acts agreed upon this Session are of two Sorts Viz such as have passed in former Assemblys since the Laws was begun to be revised and are now thought fitt to be re-enacted at this time to make y^e Body of Laws compleat, and such as are entirely new, as to the first of these they have received no material alteration now, and being so lately under the consideration of the Lords Commissioners for Trade who have not at any time signified their dislike of any of them, there doth not occur any objection against them. And as to the latter they are as follows viz An act for building a house for the Governor The Council are glad his Excellency has the opportunity of passing this Bill, being the chearfull expression of that duty and obedience the Country will always show to her Majesty.

The bill for establishing Ports and Towns. Her Majestie having been pleased to allow of three ports in each of the 4 great Rivers, and two upon the Eastern Shore, The Council observe to his Excellency that as far as it was possible they have endeavored to reduce them to the said Instructions and in two of the great Rivers there is but two ports each Viz York and Potomack and in none of the others above 3, but in regard there are two places which are inlets from y^e great Bay where Trade hath already naturally settled it self Viz in Wicocomico and Mockjack Bay, the Council have allowed Ports there and there was an absolute necessity of allowing Ports in Elizabeth River and Nansemond, which tho' they are none of the great Rivers are nevertheless Rivers of great extent & considerable for trade, the former has already the greatest prospect of a good Town of any other in Virginia, and has a considerable Trade in Pitch and Tarr both to England and to the West Indies so that the granting a Port there was unavoidable, and y^e latter besides its extent which runs up for many miles in the Country, loads many ships with Tobacco which made it necessary to settle a Port there. It was with no little difficulty that this Bill received its passage in the house of Burgesses after the Council had reduced the number of Ports as they now are, and since it is now prepared according to the intent of her Majestys Instructions the Council are of opinion that it is fitt to be passed.

An act declaring the Negro Mulatto and Indian Slaves within this Colony to be real Estate, The inconveniency that has been found by the former practice of Executors and administrators appraising and selling the slaves of the Testators, hath made it necessary for this Country to follow y^e example of some of her Majestys other Plantations, and particularly Barbados in making a law to prevent that practice so fatal to severall familys, that this bill is calculated for y^e advantage of the Country in this particular and has nothing in it to obstruct his Excellencys assent

The act for repealing part of the act for free & gen^l pardon and Indemnity, To this the Council humbly offer that the Clause of that

act which is now intended to be repealed was made immediately after Bacons rebellion, and that considering y^e occasion of it is long since ceased they are of opinion that y^e repealing act is fitt to be passed.

Upon which his Excellency was pleased to say that the passing it seemed contrary to his instructions but he would lay it before the Lords Commissioners for trade for their directions.

The last is an explanatory act of part of another made this Session for y^e levying Executions &c which being only a case omitted in y^e former the Council are humbly of opinion that it's proper to be passed.

Whereas M^r Secretary Jenings hath issued out of his office 574 Military Commissions since his Excellencys arrival in this Governm^t and by order of the Gen^l Court in April 1705 sent Copys of the rules of the Gen^l Court to all the County Courts in this Colony, for which said Services the house of Burgesses have refused to grant him any allowance. This Board in consideration thereof and upon the motion of the said Secretary have thought fitt to allow and do hereby allow the said Secretary to make Entry for 4000 acres of land in King W^m County without being obliged to Enter any Rights for the same and that he have priviledge forthwith to Enter for the said land and y^e Surveyor and others concerned are to take notice hereof and to conform Themselves accordingly.

Ordered

That M^r Henry Soan be Commissioned Sherif of James City County in y^e room of M^r David Bray who hath desired to be excused on account of the multiplicity of his own private affairs.

June the 22^d

Present

as before

The Assembly having now finished the business before them

His Excellency asked the advice of the Council whether a prorogation or adjournm^t will be best for her Majestys and the Countrys Service The Council are unanimously of opinion that y^e Assembly be prorogued till y^e 4th of September next.

Upon reading at this Board an address to his Excellency from the Burgesses relateing to the bounds between this Colony and Carolina Ordered that a letter be prepared for his Excellencys Signing directed to S^r Nathaniel Johnson Governor of Carolina to desire him to give directions to his Deputy Governor that no encroachments be made on y^e Inhabitants of this Colony nor any disturbance offered to the Maharine Indians untill the bounds between both Governm^{ts} be settled, and it is the opinion and advice of the Council that his Excellency represent to her Majesty y^e case of the said Indians they haveing been tributarys to this Government long before the Charter of the proprietors of Carolina, and pray her Majestie, that if the lands possest by those Indians should fall within y^e bounds of their Charter her Majestie will be pleased to declare y^t the same and y^e said Indians still have their Dependance on this Government.

Ordered that a new *Dedimus* issue for Glouster County for swearing those Justices that have not already taken the Oaths.

Upon reading a report of the Commissioners appointed by Commission under the great Seal of England for trial of Pirates within this Colony in the following words

Upon consideration of the sev¹¹ Depositions this day taken before us upon the Complaint of Captain John Lowin Commander of her Majestys Ship Advice against Thomas Pitton Master of the Ship Factor of Biddiford for Piracy and Robbery committed on the high Seas and having also had the opinion of her Majestys Attorney Gen¹¹ thereupon. We do not find that the Evidence of any of the witnesses brought before us doth amount to a proof of Piracy nor that there is sufficient matter made out in the said Depositions to induce us to appoint a Court pursuant to the act of Parliament for the more effectual Suppression of Piracy for trial of the said Pitton or any other pretended to be Concerned with him in the Fact complained off.

His Excellency by advice of the Council doth hereby order and direct that the seizure of the said Ship Factor of Biddiford be forthwith taken off and that the said Ships together with the Master and Ships Company be discharged from any further prosecution here, but if Captain Lowin desire a copy of the examinations of the witnesses taken here, in order to a further prosecution of the matter in England where it appears that Captain Pitton is under Bond to answer, for what he shall act by virtue of his Commission or letter of marque, It is ordered that the Clerk of the Council deliver a copy of the said examinations to him upon his application for the Same.

At a Council held at the Capitol August the 8th 1706

Present

His Excellency

Edmund Jenings

John Lightfoot

Dudley Diggs

Benj^a Harrison

Robert Carter Esq^{rs}

James Blaire Comm^{ry}

Philip Ludwell

Robert Quarry

and

William Churchill Esq^{rs}

Robert Quarry Esq^r took the oaths appointed by act of Parliament to be taken instead of the oaths of Allegiance and Supremacy the abjuration oath Subscribed the Test and took the oath of a Councilor.

William Bassett and Henry Duke Esq^{rs} Present

Upon reading at this Board a letter from Cap^t Thompson of her Majestys Ship Woolwich dated the 16 instant wherein he desires his purser may be Supplied with Credit for 600^l the better to enable him to furnish y^e said Ship with provisions for her Voyage to England, the purser of the said Ship was called in who insisted to have the said 600^l advanced him in ready money, his Excellency was pleased to desire the advice of the Council as to the best way of procuring the same whereupon the Council are of opinion that it will be extremely

difficult if not impossible to procure so much in Specie, tobacco and Bills of exchange being the Currant pay of this Country. That the best way for his Excellencys giving Credit for the Sum demanded will be for the Captain and purser to draw Sev¹¹ Setts of Bills of Exchange on the victualling office for such Sums as they think will be most passable, payable to his Excellency and that for giving y^e said bill sufficient credit with the persons who shall have provisions to sell his Excellency endorse those bills and that those bills be signed by the Captain and purser in presence of the Custom house officers at Kiquotan who in case of their miscarriage may be able to satisfy y^e signing thereof and for what consideration they were granted and a letter to Captain Thompson to acquaint him therewith was prepared, read and approved in Council and ordered to be fairly Transcribed for his Excellencys Signing.

A petition of Sev¹¹ Masters of Ships riding in York River was presented to this Board & read Setting forth that they with their Ships were ready to clear before the passing of the late act of Assembly for raising a publick Revenue for the better Support of the Government of this her Majestys Colony & Dominion of Virginia but were stopped by an Embargo laid by the Governm^t That by vertue of the said late act y^e naval officers had refused to allow the Petitioners the encouragement^t of 10 per cent given by the former act of Assembly for their ready paying the revenue of 2^s per hogshead according to the directions of the said act altho' their lading was taken on board and the Duty ready to be paid on clearing while the former act was in force and before the late act was made, and praying the consideration of this Board therein, It is the opinion of the Council that for all Tobacco Shipped on board any Ship or Vessell before the 22^d of June last, the Day of passing the aforesaid act for raising a publick Revenue, the duty of 2^s per hogshead ought to be accounted and paid according to the former act of Assembly in the year 1680 and that the allowance of 10 per cent to the masters for paying the said Duty ought to be made according to the said former act of Assembly and for the better discovery of the exact quantity of Tobacco shipped on board the M^r of every Ship or vessell shall at y^e time of his clearing either bring his boatswains book and make oath to the particular number of hogsheads boxes or cases put on board before the aforesaid day or bring two Sufficient witnesses of the Ships Company to make oath of the just quantity shipped on board before that time, and the Naval officers are hereby directed to administer the said Oath, and accordingly receive the Dues of the Tobacco so sworn to, and account to the Receiver Gen¹¹ for y^e Same after Deduction of the allowances to the masters as aforesaid.

Whereas the Gen¹¹ Assembly stands prorogued to y^e 4th September next and there being no imediate occasion for their meeting so soon it is the opinion of the Council and accordingly ordered that the Assembly be further prorogued to the 23 of April 1707, and a proclamation to that purpose being prepared was signed by his Excellency in Council.

Upon reading at this Board a Petition of sundry Masters of Ships now riding within this Colony setting forth that by the arrival of

her Ma^{ty}s Ship Hazardous they were inform'd of y^e misfortunes of her Majestys Ship y^e Greenwich appointed their Commodore, that y^e said Commodore staying out and no possitive time sett for their Sayling they humbly represent first, That y^e generality of the Ships have been laden more than three moneths and that the fleet which now attends the Convoy lyes at above 600^{li} charges per diem 2^{dly} that many of them are already so leaky being eat with the worms that a longer Stay will terminate in their ruin 3^{dly} that provisions is not here to be gott for money and if they stay to eat up their Sea Store they must perish in their passage for want of bread 4^{thly} that the Season of the year is so far advanc'd that they have but small hopes of keeping the Convoy and the difficulty encreaseth every day 5^{thly} that the bad weather which generally attends a winter Season will cause them inevitable to run abroad each other to their mutual destruction and thereupon praying the Consideration of his Excellency therein, and whereas Captain Brown of her Majestys Ship Hazardous to whom the said Masters had applyed by Petition to take them under his Convoy as being the Senior officer of the men of war now here did this day lay before the Governor and Council the Copys of the severall Orders to Captain Jesson Commander of her Majestys Ship Greenwich and Commodore appointed for Virginia and Maryland Fleets, and also acquainted this Board that by reason of the said Captain Jesson running foul of a Pink in Plymouth Sound he was rendred incapable of proceeding hither, untill he refitted the said Ship that it is now 13 weeks since he parted with the said Cap^t Jesson whereby his arrival was very uncertain, This Board takeing the said sev^l matters into Consideration and being sensible that the Fleet of Merchants Ships suffered extreemly by so long a stay in the Country and that the detaining them longer would endanger the loss of severall of the said Ships and thereby a Considerable damage to her Majesty the merchants and this Country are therefore of opinion that all the merchants Ships in this Country be directed to repair to Kiquotan by the first day of September next at which time if the Commodore shall not be arrived nor other orders from England to the contrary, they do conceive it to be for her Majestys Service that the men of war now in the Country viz, The Hazardous, Woolwich, and Advice do take the Fleet under their Convoy and proceed with them to England, and it is the opinion of the Council that his Excellency give notice hereof to y^e Governor of Maryland by Coll^o Quarry who is now bound thither.

Ordered that the Collectors and Naval officers clear all Ships and Vessells that shall be ready by the 22^d of this moneth taking bond according to the Act of Assembly for their Joining the Convoy at Kiquotan before the first of September next, and not to Depart but under the said Convoy.

Ordered that an audit be appointed here on the 27th instant and that y^e Sev^l naval officers do attend the Receiver Gen^l and Auditor on y^e 26th in order to the making up their accounts of her Majestys Revenues in their hands.

A letter from her Majesty to his Excellency dated the 31st of January 1705 relateing to an address of the Assembly of this Colony

against Robert Quarry Surveyor Gen^l of her Majestys Customes and directing that his Excellency should lay the said letter before the Assembly was read in Council and on the motion of the said Coll^o Quarry It is ordered that a Copy of the said Letter be prepared by the Clerk of the Council and attested under the Seal of the Colony for the said Coll^o Quarry to make use of for her Majesties Service in the nothern provinces of America whether he is now going.

His Excellency having been pleased to Communicate to the Council two letters from the Right honorable the Lords Commissioners for trade &c and plantations one dated the 4th of February and the other the first of March 1705 and the said letters were read. &

Upon Consideration of one paragraph of a letter to his Excellency from the Lords Commissioners for Trade the 1st of March last whereby their Lordships are pleased to take notice of a representation from his Excellency concerning the hardships of the Councilors being excluded from being naval officers and to direct that his Excellency should examine the enclosed Contracts of the memorials presented to their Lordships on that head and enable them by contradicting the reasons therein alledged to lay before her Majesty what their Lordships shall judge most proper in this particular It is referred to Edmund Jenings, Dudley Diggs, Robert Carter and Philip Ludwell Esq^{rs} to prepare a suitable Representation to his Excellency in relation to the said matter.

Upon the Petition of Joseph Mumford and the certificate of Sev^l Masters of Ships of This Capacity to discharge the office of a pilot he is hereby appointed a pilot for York river and ordered that he be Commissionated accordingly.

Upon the Petition of Joseph Outerbridge master of the Sloop Dolphin employed to attend her Maj^{ty}s Ship Woolwich for her Majestys Service & produceing certificates from Cap^t Thompson of his being on that Service with the said Sloop from the third of June to the 29th of July last, being in all eight weeks ordered that he be paid for the same according to his agreem^t at 15^{li} for every 4 weeks out of her Majestys Revenue of 2^d per hogshead.

Ord^d that W^m Boatevell Pilot of y^e Shipp Dolphin be p^d his wages according to agreem^t from y^e 3^d June to y^e 2^d July both at y^e rate of 31 for every 4 weeks out of her Matys Revenue of 2^s per hh^d.

His Excellency was pleased to acquaint y^e Council that the severall Naval officers were approved of in England

August the 9th 1706

Present

The Same as yesterday

Upon reading a Petition of Nich^o Humphrys master of the Ship Hartwell and Thomas Bagwell master of the Ship Levitt in behalf of Themselves and Edmund Forrest Master of the Ship Ruhard and Sarah, setting forth that the said Ships having at first been registred much above the true burden their owners procured them lately to

be then registred at the true number of Tuns they contained. That upon their offering to clear with the Naval officers of York River and producing their new Registers the said officers refused to clear them according to the same without further directions from this board, and praying that the said officer may be ordered to clear them according to their said Register It is the opinion of the Council & accordingly ordered that y^e said Naval officers be directed to accept the Duty of Tonnage for the said Ships, at the Same rate which other Ships in his district, carrying the like number of hogsheads generally pay according to their registers.

Whereas the Right honorable the Lords Comm^{rs} for Trade and Plantations by one paragraph of their Letter to his Excellency dated the first of March 1705 have been pleased to direct that the late restriction on lands on the Southside Blackwater Swamp be continued and that in all other occasions of granting of lands his Excellency keep strictly to the plain meaning of his instruction concerning the patenting of Lands for the better understanding of the last mentioned words which seem to be doubtfull, It is ordered That M^r Secretary Jenings search the Records of his office and report unto the next Council what has been the usual practice from time to time in the granting and patenting of lands in this Colony, and the further Consideration of the said paragraph is referred to next Council.

The draught of a representation from the Council to his Excellency in relation to their being excluded from holding the places of Naval Officers, being prepared by the Gent to whom it was referred, was read and approved and signed by the Council and is as follows May it please your Excellency

Upon Consideration of a letter from the Right honorable the Lords Commissioners for Trade and plantations communicated to us by yo^r Excellency relating to the instructions forbidding your Excellency to place any of the Naval officers here upon any of the Council & y^e memorials therewith transmitted, we humbly beg leave to make the following answer, That we are not willing receive the remembrances of the differences of that time nor those that have been since, being extremely satisfied, they are now happily at an end by your Excellencys mild Government.

That as to the memorials some of the strangest of them are now removed, The Council of those times sitting as Judges without quallifying themselves by proper oaths, which is now done, and the places of Naval officers and Collectors are put into different hands, that it seems to be a particular hardship that if any of the Naval officers of that time did transgress it should affect the whole Council for ever & it seems a farther hardship y^t the Council who are presumed to consist of men of as good reputations, and as plentiful fortunes as any in the Country and are under the greatest trusts in the Governm^t should be the only unfitt men in the Government to be intrusted with a small place of profit.

And since by your Excellencys favor, we have this fair opportunity of making our Case known to their Lordships we begg leave to sett it forth in y^e following particulars.

That when the Sallary was first settled on the Council, they were never or very rarely called together, but at Gen^l Courts at which time likewise the Gen^l Assemblys were usually held.

That the business of the Councils, Gen^l Courts, and Assemblys is of late years so much encreased that the Council have been kept from their homes three or four months in a year to their great Damage in their private affairs, and that the whole Sallary is but 350^l to be divided into 12 parts, and they are not so much as allowed to have the hopes of a place of profite excepting the Secretarys, Auditors Receiver Gen^ls which her Majestie is pleased to bestow at her pleasure without regard to Seniority or long standing in the Council and the Naval officers when they were in the Council still left the major part untaken care for. These things are so well known to your Excellency that they need not further be insisted on, and we hope by a favourable representation from your Excellency to the Lords Com^{rs} for Trade their Lordships will think it reasonable and for her Majestys Service that the Sallary of the Council be advanced suitable to the great trouble & Charges they are at, and to the honour of the places they are in, And as we hope your Excellency is satisfied we have not hitherto been wanting in our Duty to her Majesty nor to your Excellency we will make it our constant endeavors to demean our selves in our places with that Zeal to her Majestys Service as becomes us and with all Dutifullness to your Excellency

Council Chamber August the 9th 1706

Your Excellencys most obedient and most humble Servants,

Edmund Jenings
John Lightfoot
Dudley Diggs
Benj^a Harrison

Robert Carter
Philip Ludwell
William Bassett
Henry Duke

W^m Churchill

M^r Comm^{ry} Blair desired to be excused from signing the said representation because he had been concerned in one of the memorials therein referred to, and so did not think it proper for him to give his Judgment therein.

Then the said representation was presented to his Excellency who was thereupon pleased to say he would lay it before the Lords Commissioners for Trade, and do his endeavours to procure what was desired therein.

M^r Henry Cary making application to this Board for directions on severall matters relateing to the Carrying on the building the Governors house. It is referred to Edmund Jenings Dudley Diggs M^r Comm^{ry} Blair Philip Ludwell William Bassett and Henry Duke Esq^{rs} or any three of them to meet and give such directions in the severall particulars represented by M^r Cary as to them shall seem meet.

Ordered that the Negro bought for the use of the Country and now in prison for offering Violence to M^r Cary and standing out in Disobedience be by the first opportunity transported to some of her Majestys other Plantations and there sold, and that M^r Cary take y^e necessary care therein.

Upon consideration of the want of Justices in middlesex County by the death of some in Commission, It is ordered that a new Commission of the peace issue for that County and whereas two sev¹¹ recommendations have been made from the Court of that County it is the opinion of the Council that all the Gent named in both the said recommendations (if alive) be nominated Justices in the said County.

The proceedings of Council the 20th of June last containing the Councils reasons for his Excellencys passing the severall laws was read over and approved.

Robert Quarry Esq^r absent

Upon reading a paragraph of a letter from the Right honorable the Lords Commissioners for Trade and Plantations dated the 1st of March 1705/6 relateing to the Sale of the arms sent in hither by her Majesty, It is the opinion of the Council, that the late act for settling the militia having strictly enjoyned all persons to provide armes on a certain penalty, the due execution of that Law will oblige people to be more diligent in purchasing, Whereby it is probable great part of the armes may be sold without any abatement, and that it may be for her Maj^{ty}s Service to delay the Settling such abatement untill the effect of the said law be further seen.

At a Council held at the Capitol the 27th August 1706

Present

The honorable Edmund Jenings Esq^r President

Benj ^a Harrison	Philip Ludwell
Rob ^t Carter Esq ^{rs}	W ^m Bassett &
James Blair Comm ^{ry}	Henry Duke, Esq ^{rs}

The Council being mett to advise of the proper means to be taken on this Melancholy and unfortunate occasion of the death of his Excellency Edward Nott Esq^r her Majesties Gov^r of this Colony proceeded to the reading her Majesties Commission to the said late Governor and finding by a Clause therein that in case of such Death and there be then no Lieut Governor in the place her Majesty is pleased to impower The Council to take upon them the administration of the Government and to execute the said Commⁿ and that such Councilor as is nominated by her Majesties instructions before any other then resideing within this Colony shall preside with such powers and preheminences as may be necessary for the carrying on the publick Service Edmund Jenings, Esq^r being the first in the Council was thereupon declared president who took the following Oath for the due observance of the acts of Trade, and afterwards every member of the Council present took the oath which oath is as follows.

You shall swear as member of her Majestys Council of Virginia (on whom the Government of this Colony is devolved by the Death of Edward Nott Esq^r late Governor thereof) to do your utmost that all the clauses contained in an act of parliament made in the 12 year

of the reign of King Charles the 2^d entituled an act for the encouraging and encreasing of Shipping and Navigation, and in another act made in the 15th year of the reigne of the late King Charles the 2^d entituled an act for the encouragement of trade, and in another act made in the 22^d & 23^d years of his said Majesties Reigne entituled an act to prevent the planting of Tobacco in England and regulating the plantation Trade and in another act made in the 25th year of his said Majestys reigne Entituled an act for the encouragem^t of the Greenland and Eastland Trades and for the better Secureing the plantation Trade, and also that every of the Clauses in an act made in the 7th and 8th years of the reigne of his late Majesty King William the third with all matters and Things in the said sev^{ll} former acts contained now in force be punctually & *bona fide* observed according to y^e true intent and meaning thereof so help you God.

M^r President acquainted the Council that upon the unfortunate occasion of the Death of his late Excellency he had desired Sev^{ll} of the Gent of the Council that were nigh to meet next Day at his Excellency's house, who had then agreed upon severall matters for the greater Decency of his funerall, which being Communicated to the Council were approved of.

Ordered that M^r Attorney Gen^{ll} prepare a proclamation continuing all officers Civil and military untill further order.

The Council conceiving it necessary that all such publick letters and papers relating to the Governm^t as were in his Excellencys possession at the time of his Death should be delivered up to them for their better guidance and directions in the carrying on her Majestys Service, do hereby order That M^r John Clayton the late Governors Secretary be desired together with the Clerk of the Council to inspect his papers, and that all such papers as relate to the Government of this Colony be put into the hands of the Clerk of the Council who is hereby directed to give M^r Clayton a receipt for the Same.

Dudley Diggs Esq^r present

Ordered that the accounts of her Majestys Revenue be brought before the Council tomorrow in order to be passed.

M^r Attorney Gen^{ll} haveing prepared a draught of a proclamation for continuing all officers civil & military &c a doubt was made as to the forme and Stile of the said proclamation as running in the name of the whole Council, whereas the proclamation is entered on the Council books and issued by the President durement the absence of the Lord Culpeper, was in the name of the President by advice & consent of the Council, and thereupon the Council having sent for & consulted severall other Gent practitioners of the Law, who being of the Same opinion with the Attorney Gen^{ll} that the declaratory & preceptive part of the proclamation must be in the name of the whole Council, and the same signed by all the Council present The said proclamation was prepared and signed accordingly and ordered that the Stile of all proclamations and other instruments which formerly went in the name of the Governor be durement the present administration in the name of the President and Council.

Resolved That all such Instruments as pass of Course under the Seal of the Colony and such other papers as the Gov^r used to sign out of Council and wherein their advice is not required, be now signed in the like manner by the president.

Ordered That a letter be prepared to be sent to the Right honorable the Lords Commissioners for trade and Plantations & another to her Majestys principal Secretary of State to signifie the Death of the late Governor, and to assure their Lordships of the Councils care to preserve the peace of the Country untill her Majesty shall be pleased otherwise to dispose of that Trust.

Upon the petition of David Robertson M^r of the Ship Elizabeth setting forth that he not having taken in all his lading before the day fixed for clearing y^e Ships hath now almost compleated his lading and will be ready to joine the Convoy by the time appointed for Sailing, and praying orders to the naval officers of York River to clear his said Ship in order thereto. It is the opinion of The Council & Accordingly ordered that leave be given to the respective Naval officers to clear all Ships that they judge may be ready to joine the Convoy Giving bond to join the s^d Convoy before the Departure of the Fleet, and in case the Fleet be sailed to stay untill further permission be given for their Sailing.

Whereas his Excellency the Lord Cornbury by a letter to the late Governor desired that one Cap^t Ferrill a french prisoner on board the adventure bound for Bristoll under the present Convoy from hence be put on board one of her Majestys Ships of war here in order to be transported for England, The Council recommend to M^r President at his going to Kiquotan, to procure a passage for the said prisoner on board one of her Majestys Ships.

August 28th 1706

Present

The same as Yesterday

Upon reading at this Board her Majestys order Counter signed by the Right honorable Sidney Lord Godolphin Lord high treasurer of England directed to his Excellency Edward Nott Esq^r late Gov^r whereby her Majesty is pleased to signifie her Royal will & pleasure that his Excellency give the necessary directions to the Executor of W^m Byrd Esq^r deceased treasurer of her Majestys Revenues of Quittrents to remitt to England the Sum of 2752^{li}:9^s:4^d to be paid into the receipt of her Majestys Excheg^r being the residue of the sum of 5752^{li}:9^s:4^d Due on ballance of the said William Byrds accounts at y^e time of his Death Whereof 3000^{li} had been formerly remitted, W^m Byrd Esq^r the Executor of the said W^m Byrd Dec^d informing this Board that upon the examination of his Fathers accounts by the Council there appeared a less ballance due than is above expressed by 16^{li}:19^s:2^d $\frac{3}{4}$ and praying directions whether he ought to remitt the Ballance as it now Stands or so much as is directed in the s^d Order It is y^e opinion of y^e Council that it seems most agreeable to her Matys

intentions y^t y^e ball^a as it now stands being what was really due at the time of Coll^o Byrds Death be remitted and a warrant was ordered to be prepared accordingly.

M^r Auditor Diggs represented that Coll^o Richard Lee Naval officer of Potomack had sent his accounts of the 2^s per hogshead with Bills of Exchange for the Ballance but had not made oath thereto, ordered that Coll^o Lee make oath to his account now sent before next Audit & M^r Aud^r is desired to receive and audit the account and deliver the Bills to the Receiver Gen^l

August 29th 1706

Present

as before

In obedience to the Commands of the Right honorable Sidney Lord Godolphin Lord high Treasurer of England in a letter directed to the late Gov^r and Council for examining the accounts of the late M^r Auditor Byrd the following report being prepared and agreed on in the Lifetime of his Excellency was now signed by the Council in the following words.

In obedience to the directions of the Right honorable Sidney Lord Godolphin Lord high Treasurer of England in the following words.

After my very hearty Commendations, whereas I have received information from Francis Nicholson Esq^r her Majestys late Lieu^t & Governor Gen^l of Virginia that W^m Byrd Esq^r Receiver and Cashier of her Majestys Revenues there is lately deceased and that an accompt currant of his collection and receipts to the 25th of October last had been laid before The Gov^r and her Majesties Council by the Trustees of the said W^m Byrd whereby a Ballance of 7698^{li}: 9^s: 10^d appeared to be due to her Majesty besides what may be further owing by the said W^m Byrd since the time of making up the said Accompts. To the end therefore that a finall accompt of the said W^m Byrd may be forthwith made up, and the ballance accounted for to her Majesty, I hereby pray and desire you upon receipt hereof to call before you W^m Byrd Esq^r Son and Executor of the said W^m Byrd lately dec^d and to cause him to produce unto you the accompts of his said Father from the time of his first taking upon him the collection and receipt of her Majestys Dutys & Revenues to the time of his death which accompts you are carefully to examine together with their respective vouchers & to certifie and transmitt unto me your observations thereupon in such manner as may be most satisfying & conducive to the full and perfect recovery of all moneys that shall be found to have been due and owing to her Maj^{ty} from the said W^m Byrd dec^d by reason of any Dutys or Revenues whatsoever to her Majesty belonging and wherewith the said Byrd was chargeable at y^e time of his death and so I bid you very heartily farewell from the Treasury Chambers in Whitehall the 4th day of June 1705/

Your very loveing Friend

Godolphin

=To my very loveing Friend Edward Nott Esq^r
=her Majestys Licu^t and Governor Gen^l and to
=her Majestys Council of the Colony and Domin-
=ion of Virginia and to the chiefe Governor &
=Council thereof for the time being

We have called before us W^m Byrd Esq^r Son and Executor of the said W^m Byrd Esq^r late Auditor & Receiver Gen^l of Virginia who hath produced to us his fathers accompts from the time of his entering upon the said office (which was the 20th day of June 1688) to the day of his death it appears to us that a ballance of four hundred Sixty four p^ds one shilling and a half penny was due from his predecessor Nathaniel Bacon Esq^r Aud^r & Receiv^r of Virginia but not paid into him y^e said W^m Byrd till y^e year 1695 when there is Credit given for it in 2 articles Viz one in the account of the 2^s per hogshead &c fol: 7 and the other in y^e account of the Q^trents fol. 7 we find that the said W^m Byrd received all her Majestys Revenues of Quittrents forfeitures Compositions for Escheats Revenues of 2^s per hogshead port Dutys &c from the said time of his entring on his office to the day of his Death which happened on the 4th of December in y^e year 1704 of all which his son & Executor W^m Byrd Esq^r has laid before us y^e accompts in two distinct books y^e one Ent^d an account of quittrents &c. The other entituled an accompt of the Revenue of 2^s per hogshead &c in the first of these accounts y^e late W^m Byrd is Charged with y^e receipt of all quittrents and Compositions for Escheats The Charge of the Quittrents hath been out to us by the rentrolls of the Sev^l Countys of Virginia under the hands of the respective Sheriffs of those Countys from year to year only three are wanting y^e particular rentrolls of some Countys for some years as follows viz. of Rappahanock County in 1690 and 1691 of Isle of Wight in 1696 of Accomack in 1697 and 1699 of James City in 1698 of Glocester in 1700 and 1702 for want of which rentrolls we could not exactly state the Charge of the quittrents of those years in the said particular Countys, but by compairing them with the Rentrolls of the same Countys in other years we see no reason to induce us to suspect that the some of those quittrents was any other than we find accounted for by the said W^m Byrd in y^e said Accompt of Quittrents. as to the Compositions for Escheats, after the most diligent inquiry into the returns of the Escheats into the Secretarys Office, we can find no more Escheats nor any greater Compositions for them than is here accounted for by the said W^m Byrd we have likewise examined the Disbursements for which the said W^m Byrd gives himself credit upon the said accompt of quittrents and find that all those Disbursements were duly made by warrants from under the hands of the respective Governors of this Country for the time being. & in pursuance of orders from the Lord high Treasurer or the Commissioners of the Treasury of England for the time being & otherwise all which warrants and orders of Treasury together with the receipts and Endorsments of the persons to whom the severall payments thereupon were made, we have Duly inspected, and find there was due to her Maj^{ty} from the said W^m Byrd at the time of his death upon the said account of Quittrents & Compositions for Escheats &c

the Sum of 5745¹¹:10^s:1^d: $\frac{1}{4}$ Sterling we have likewise examined the accompts Entituled an account of her Majestys Revenue of 2^s per hogshead ports Dutys & head money &c all which dutys were raised and appropriated by act of Assembly in the Country, for the Support of the Government & defraying y^e Contingent Charges thereof and as to the receipt of this Accompt, we have seen Sufficient Vouchers from the accounts of Naval Officers of this Country who collected the Same, which accounts of the Naval officers have been yearly made up according to directions from time to time by y^e Governm^t and nothing appears to induce us to believe that the said W^m Byrd received any more money on that account than he gives Credit for to her Majesty. we have likewise examined into the disbursements of that Revenue and find that y^e usual Sallarys to the Governor Council, Auditor of Virginia dutys, Solicitor of Virginia affairs, Attorney Gen^l Clerk of the Council &c. have from time to time been duly paid, as appears by warrants under y^e hands of the respective Governors for the time being and endorsed by the severall persons in this Country to whom those payments were ordered, whatever other payments are charged in this accompt we find that the said W^m Byrd had warrants under the hand of the Governor for the time being for them and the said warrants together with y^e endorsements of the persons to whom the sev^l payments were ordered, have been produced before us. So that for anything that appears to us there is nothing due to her Majesty from the Estate of the said W^m Byrd more than the Sum of 1938¹¹:16^s:9^d: $\frac{3}{4}$ upon this accompt of the Revenue, and the abovementioned ballance on the accompt of Quittrents for which two Sums due at the Death of his father and the accruing Dutys & Revenues to her Maj^{ty} the present Receiver Gen^l W^m Byrd the Son hath given good Securi-ty to be accountable.

The above report was agreed on and prepared by the late Governor & Council, but his Excellency Dying before the Same could be signed by him is now humbly submitted to the consideration of the right honorable The Lord high Treasurer of England by

Edmund Jenings President

Dudley Diggs
Benj^a Harrison
Robert Carter

James Blair
Philip Ludwell
W^m Bassett

Henry Duke

A letter to the Right honorable y^e Lords Comm^{rs} for trade & plantations and another to her Majestys principal Secretary of State notifying the Death of his Excellency the late Governor being prepared was sign'd by the president & Council.

The Council taking into Consideration the low price of Tobacco & many unfortunate accidents that concur thereto, together with the necessitys of the inhabitants and planters of this Colony, thought it expedient for her Majestys Service to represent the same to the Right honorable the Lords Commissioners for trade and plantations and to the Commissioners of her Maj^{ty}s Customes, and letters being prepared accordingly were signed by the President & Council.

M^r President reported that in pursuance of the order of the last Council he had perused the Records of the Secretarys office & found no other method of patenting land purchased heretofore but what hath been lately usual and always expressed in the patents viz In consideration of the importation of so many persons into this Colony such a quantity of land was granted as rights were produced for/

Benj^a Harrison Esq^r pursuant to directions of his Excellency signified to him at the last Council acquainted this Board that he had prepared sev¹¹ reasons for takeing off the restrictions on the lands on Blackwater Swamp which he presented at the Board where the same being read was agreed to with some amendments, and ordered that the said reasons be humbly offered to the Consideration of the Lords Commissioners for trade and plantations and a Copy thereof sent their Lordships.

A letter to the Commissioners for prizes being prepared pursuant to the directions of the late Governor & Council the 7th day of May last was not Signed by the Council.

Ordered That M^r Clayton be desired to bring before this board tomorrow her Majestys instructions to his Excellency our late Governor to the end the same may be sealed up in Council till further occasion.

On the petition of Coll^o Nicholsons Attorneys ordered that the sum of 11^{1b}: 18^s be paid to the said Coll^o Nicholsons out of her Majestys Revenue of 2^s per hogshead it being for fees and other charges expended by him in procureing her Majestys picture for this Colony.

Edward Hill Esq^r Collector of the upper District of James River haveing obtained leave of the Commissioners of the Customes to go for England on his private affairs presented John Taylor Gent as his Deputy dureing his absence and prayed the Councils approbation of him who being accordingly approved in Council took the oaths appointed by act of parliament to be taken instead of the oaths of allegiance & Supremacy, the objuratation oath, Subscribed the Test took the oath of Deputy Collectors.

August the 30th 1706

Present

as before

Upon the consideration of the petition of M^r John Clayton Secretary to his late Excellency Edward Nott Esq^r representing that his Ex^{cy} being dead having made his will whereby M^{rs} Lughton his sister in England is constituted Executrix but appointed no person in this Country to take care of his Estate here or to pay his just Debts & funerall expences. And for as much as the greater part of his Salary remains in the hands of the Receiver Gen^l and other parts thereof for which no warrants are yet past & that his Estate here consists in negroes Cattle and other perishable goods and it being also requisite that severall of his Servants should be paid off and Discharged to save expence of keeping them & no person being legally authorised to act in the premisses he therefore prayed the Council to give such Directions therein as to them shall seem meet. The Council out of a tender

regard to his Excellencys honour and known intentions, and for the great service of his Estate are of opinion that warrants for his full Sallary be now issued, his debts justly paid, and the overplus of his Estate safely lodged or remitted for the use of his Executrix. And M^r President Jennings and M^r Byrd Receiver Gen^l offering themselves Security to answer the truth of their accompts and for the money rec^d to the executrix if ever thereto required upon all which Considerations the Council are of opinion as follows *viz* that M^r Clayton M^{rs} Ives and M^r Emerson deliver up a true and just account of all his Excellencys estate real and personal in this Country that they know of to the persons hereafter entrusted, That the Same be inventoryed and sworne to next Gen^l Court and that an exact list of his debts due to and from the estate be returned by the said Trustees to the said Court.

That the Governors debts which he was to have paid by this Fleet be forthwith paid out of the money due to his Excellency in the hands of M^r Receiver Byrd.

That the remainder of what is due to his Excellency from the Revenue or in the hands of M^r Receiver Byrd, the naval officers sherifs or any other debts that can now be recovered be transmitted to M^r Perry in England by this present Fleet, & lodged for the use of his Excellencys Exerix and what cannot be now recovered be paid hereafter to the following Trustees.

That M^r President Jennings M^r Byrd M^r Clayton and M^r Robertson or any two of them be desired with the first Conveniency by publick Outcry to sell off such part of his Excellencys personall Estate in this Country as do they do not think proper to be remitted to England in specie & to pay his funerall expences, servants wages, house-rents and other debts that shall hereafter acruce, & transmitt the remainder of the said Estate & money to the said Perry for the use aforesaid or the Exerix after She has quallified her self as such.

That the said Trustees be desired to hire out the Negroes of the said Governor (being reall Estate) to the best advantage till directions to dispose of the same be given by his heir.

That the said Trustees be desired to maintain the Governors family which he brought out of England till further directions therein. That M^r President in y^e name of the Council transmitt to M^{rs} Lughton a Copy of the Governors will under the Seal of the Colony. Ordered that a warrant be prepared for paying the Governors Sallary and houserent due at the time of his Death to his Exerix.

M^r Clayton (according to the order of this Board) brought the late Governors instructions and delivered them in Council & the same were Sealed up in Council, and ordered to ly in the office.

James Walker Esq^r came before the Council & produced a deputation from the principal Commissioners for prizes in England to be their Agent here as also her Majestys letter to his late Excellency directing him to give all due encouragement to the said James Walker in the Execution of his office, and the same were read and ordered to be entered in the Council books.

W^m Robertson produced in Council an account of her Majestys Quittrents received by him by direction of the late Governor Coll^e

Nicholson in April 1705 & made oath thereto, and the same having been formerly examined in Council were now passed.

W^m Robertson produced in Council an account of her Maj^{ty}s revenue of 2^s per hogshead received by him by order aforesaid from the 25th October 1704 to the 20th of July 1705 and made oath that the same was a just & true account (except only that upon examination since there hath been found a small Error in the account of Coll^o Rich^d Lee of which at the time of his receiving the same he was not apprised, and also except the Sum of 49^{lb}:19^s:10^d received in bills of M^r Hancock Custis for which he passed no accounts but M^r Custis having since passed his whole half years acco^{ts} with M^r Byrd Receiver Gen^l wherein y^e above Sum was included, he had for making the accounts more regular transferred the said Sum to M^r Byrd in whose accounts it is charged and M^r Byrd acknowledging the transferring the said Sum, the said Robertsons accounts are passed in Council.

Upon the motion of M^r Auditor Diggs and M^r Robertson the severall following warrants for discharge of the said Robertsons accounts were signed in Council pursuant to a letter from the honorable W^m Blathwayt Esq^r Auditor Gen^l of America to his late Excellency there never having been warrants regularly passed for the Same before viz.

To Coll^o Francis Nicholson late Governor of this Collony for 3 quarters & 21 dayes Sallary ending the 14th of August 1705 inclusive 1615^{li}: 14^s 4^d: $\frac{1}{4}$

To the Said Coll^o Nicholson for 3 quarters and 21 days houserent ending the same time 12^{li}:2^s:7^d

To the Gentlemen of the Council half a years Sallary ending the same time of Aprill 1705 175^{li}

To W^m Blaythwayt Esq^r half a years Sallary ending the same time 50^{li}

To the Attorney Gen^l half a years Sallary ending the same time 20^{li}

To the Clerk of the Council half a years Sallary ending the same time 25^{li}

To Edward Ross Gunner Half a years Sallary ending the same time 7^{li}:10^s

To W^m Robertson for so much paid sev^l ministers for attendance one Gen^l Court & Assembly 10^{li}

To W^m Robertson for Contingent Charges paid by him & per an account examined in Council 40^{li}:6^s:10 $\frac{1}{2}$ ^d

To Coll^o Francis Nicholson for so much advanced by him for paying sev^l Sallarys & Contingent Charges in Aprill 1705. 100^{li}

To the Attorney Gen^l out of the quittrents for his Sallary from the 8th of march 1704 to the 25th of Aprill 1705 being a year & 49 dayes at 60^{li} per annum 67^{li}:16^s:10 $\frac{1}{2}$ ^d

A warrant to the Receiver Gen^l to remitt into the Exchequer 2745^{li}:10^s:4 $\frac{1}{4}$ ^d being the ballance of the accounts of quittrents at the late M^r Auditor Byrds death was signed in Council.

Also a warrant to the Receiver Gen^l to pay unto the Exerix of Edward Nott Esq^r late Governor his Sallary for one quarter and 29

days ending the 23^d inst being 658^{li}:8:4 & 49^{li}:8^s:4^d for his house rent for the same time were signed in Council.

W^m Byrd Esq^r Receiver Gen^l of her Majestys Revenue brought into Council his account of the quittrents for the year 1705 his account of the 2^s per hogshead from the 20 July to the 25th of October following wherein the Sallary to the Agent was rectified according to directions from England & his Account of the said Duty from the said 25th of October to the 25th of Aprill 1706 with his accounts of the said Revenue from the 25th of Aprill 1706 to the 25th of this present moneth, & the same being attested by the Aud^r were sworn to in Council & signed by the President.

M^r Commissary Blair Absent

Upon reading a representation from the Comm^{rs} of Oyer & Terminer appointed for trial of sev^l Negroes who had committed felony & burglary in Westmoreland County setting forth that upon the trial they had found two of the negroes guilty as principals & other three concerned as accessories which three last not appearing to them to be so notoriously Criminal they recommend them as objects of mercy may be pardoned. The Council taking into Consideration that the said three negroes having upon trial been found guilty of the fact whereof they were indicted & received sentence of Death are of opinion that there doth not anything appear to them that the said Negroes are fitt objects of mercy so as to induce them to remitt their punishment.

M^r Comm^{ry} Blair Present

The severall following letters being prepared and agreed on in Council were signed by the president and Council viz.

A letter to the Lords Comm^{rs} for trade in relation to Sev^l matters to be sent with the publick papers & Journals

A letter to the Right honorable the Lord high treasurer to be sent wth the report on M^r Aud^r Byrds accounts

A letter to the Commissioners of the Customes in relation to the bill for Establishing ports and Towns.

A letter to W^m Blathwayt Esq^r Auditor and Surveyor Gen^l relation to the accounts of her Majestys Revenue, and

A letter to Nathaniel Blackiston Esq^r Sollicitor of the Virginia affairs.

The proceedings of this meeting of Council read over and approved.

At a Council held at the Capitol the 15th day of October 1706

Present

The honourable Edmund Jenings Esq ^r President	
John Lightfoot	James Blair Comm ^{ry}
Dudley Diggs	Philip Ludwell
Benj ^a Harrison Esq ^{rs}	W ^m Bassett &
	W ^m Churchill Esq ^{rs}

Whereas the Right honourable S^r Charles Hedges her Maj^{ty}s principal Secretary of state by a letter dated the 18th of february last

past, hath signified her Majestys pleasure that such ships as shall not get ready to sail from hence for England with the Convoy then intended for Virginia and now lately Departed from this Country should be permitted to sail for England as soon as they gett ready without being Embargoed, in Case an another Convoy were not sent to bring them away in the moneth of september. Pursuant whereunto it is hereby ordered that the Collectors & Naval officers have leave to Clear all ships and Vessells bound for England untill further orders

Ordered that Directions be sent to the Collectors & Navall officers of the lower District of James River & York river that in Case any ship or Vessell arrive in their District directly from England dureing the time of the Gen^l Court, they Cause the master thereof to come up to Williamsburgh & attend the Council.

John Smith Esq^r being by her Majesties directions signified in a letter under her Majesties royall Sign Manual dated the 31st December 1705 restored & readmitted to his former place in the Council took the Oaths appointed by Act of Parliament to be taken instead of the oaths of Alledgiance & Supremacy, the oath mentioned in an Act Entituled an act to Declare the alterations in the oath appointed to be taken by the act for the further Security of her Majesties person & the succession of the Crown in the protestant Line &c and subscribed the Test & took the Oaths of a Councilor.

Dudley Diggs, John Smith & W^m Churchill Esq^{rs} took the Oath for the Due observation of the Acts of Trade & Navigation.

October y^e 17th 1706

Present

The honourable Edmund Jenings Esq ^r President	
John Lightfoot	Philip Ludwell
Dudley Diggs	W ^m Bassett
Benj ^a Harrison	Henry Duke
Rob ^t Carter Esq ^{rs}	John Smith
M ^r Comm ^{ry} Blair	W ^m Churchill Esq ^{rs}

A letter to the President from John Custis Esq^r excuseing his absence from Council or Gen^l Court by regard of his being very [ill] of y^e Govt was read in Council.

Upon reading a letter from the Right honourable S^r Nathaniell Johnson Kn^t Governor of the province of South Carolina, & from the Council of the said province dated the 7th of September last past wherein they Signifie that the french & Spaniards having invaded the said province in the moneth of August were repul[s]ed with the loss of sev^l of their men & that they had sent one hundred & Eighteen of the said French & Spanish Prisoners hither to be conveyed unto England in the fleet of Merchant Ships. This Board having called before them Cap^t Francis Rogers Commander of the W^m Galley who brought the said letter with 65 of the prisoners (the rest being in a Brigantine not yet arrived) & having inspected his Commission together with the Contract between the Governor & Council of Carolina & the owner

of the said W^m Galley whereby it is agreed that in case this Govern^{mt} shall refuse to receive the said prisoners the said Captain Rogers shall give them the said ship W^m Galley with a suit of sails an anchor & Capable & other necessary tackle & apparell together with one moneths provisions & so turn them to Sea. Upon a due consideration of the premises This Board are of opinion that the proceedings of the said Govern^{mt} of Carolina in sending the aforementioned prisoners hither while there is no fleet in the Country to disperse them, is an extraordinary hardship on this Colony, for that thereby this Government is laid under a necessity of receiving & keeping those prisoners at a vast Charge untill an oportunity of transporting them for England shall offer, or else to have them turned lose upon this Coast to intercept the trade or to plunder the Inhabitants for that it is not to be imagined shall [that] so great number of men who have been for the most part privateers & now rendred Desperate by the slight provision made for them by order of the Govern^{mt} of Carolina will depart from this Coast without endeavouring to procure a larger supply either from the merchant ships trading hither or from the shoar, but forasmuch as this matter is of great Consequence y^e Council think fitt to refer the further Consideration thereof untill they can be informed how many of the said prisoners can be Disposed off in those few merchant ships now in the Country, & in the mean time it is ordered that Cap^t Rogers take care to keep & maintain them on Board.

Ordered that the Naval officers of the Districts of York & James Rivers direct the masters of all ships in their Districts that are bound for England to attend the Council on Munday next being the 21st Instant.

Upon the motion of M^r Treasurer ordered that the respective Naval officers attend the said Treasurer at W^m Borgh on thursday the 24th of this instant & make up their accounts of the money received by them for the Impositions on Liquors & Slaves to that time.

Post Meridiem

Philip Ludwell Esq^r Absent

Ordered that a new Commission of the peace issue for Midlesex County & that John Robinson George Wortham & Rich^d Kemp be added to the Quorum.

Robert Carter Esq^r Agent for the proprietors of the Northern Neck produced in Council a report of the persons appointed by Order of this Board to view the branches of Rapp^a river in order to the Discovering which of them ought to be accounted the boundary between her Majesty & the proprietors of the Northern Neck which report is as follows.

Pursuant to y^e within order of Council we John Taliaferro & Richard Buckner by the said order appointed on behalf of her Majesty, to view which Branch of Rappahanock river is the main branch, and others Subscribed, on the request of Robert Carter Esq^r Agent for the proprietors met & went into the Fork of the said River & viewed the two branches thereof five or six miles of each branch & by what appeared

could not determine which is the largest Stream but that they seemed to us to be of equall magnitude Wittness our hands this 28th day of September 1706.

John Taliafero
Rich^d Buckner
Frances Taliaferro
Edward Mountjoy

Thomas Jones
Hancock Lee
John Waugh
Giles Travers

Thomas Gregg Surveyor

As also produced the Testimony of John Taliaferro whereby he affirms that by report of the Indians the Southern branch is reputed the main Stream of the said River, ordered that the said report & testimonys be referred for further consideration.

Whereas the Governm^t of North Carolina do daily continue to make encroachments on this Colony by surveying land far within the reputed bounds thereof, and whereas this board are informed that Thomas Busby of the County of prince George & Henry Plumpton of the County of Nansemond being men of great age & long acquainted with those bounds can give a particular account of that Creek called Weyanock Creek which bounds that Government. It is ordered that a commission be prepared directed to Major Arthur Allen M^r Francis Milner Lieut Coll^o Thomas Milner Cap^t James Lockhart M^r Henry Jenkins or any three of them to take the examinations upon oath of the said Plumpton at his house on the last thursday of November & also to take y^e examination of such other persons as can give any Evidence in relation to the said Bounds. and that a Commission do also issue to Benj^a Harrison Charles Goodrich John Hamlon & Rob^t Bolling jun^r Gent or any three of them to take the examintaion on Oath of the said Thomas Busby at his house on the first tuesday in December, & also the depositions of any other person they shall think proper Evidences in relation to the matter aforesaid & that notice thereof be sent to the Deputy Gov^r of North Carolina that he may appoint such as he shall think to be present at the said examination at [on] the part of that Governm^t.

October the 18th 1706

Present

The honourable Edmund Jenings Esq ^r President	
John Lightfoot	M ^r Comm ^{ry} Blair
Dudley Diggs	Philip Ludwell
Benj ^a Harrison	W ^m Bassett
Rob ^t Carter Esq ^{rs}	Henry Duke &
	John Smith Esq ^{rs}

This Board having taken into Consideration the letter sent from the Gov^r and Council of Carolina with the prisoners sent hither for Conveyance for England, Came to the following relations *viz.* That it is not for her Majestys Service nor for the Safety of this Colony, or the trade thereof that the said prisoners should be permitted to Depart in the manner directed by the Governm^t of South Carolina.

That so many of the said prisoners as can be disposed of among the Merchant Ships in this Country be dispersed as soon as may be and the rest secured on the Charge of the Governm^t

That an express be sent to the Governor of Maryland to acquaint him of the number of prisoners here and to request his favour in the Disposall of some amongst the ships in that province in Case they be In want of Seamen.

Whereas upon a triall in the Gen^l Court Coll^o Godwin of Nansemond County hath been convicted & fined for a misdemeanor in beating the Sherif of the said County in open Court.

It is therefore the opinion of this board that he is not fitt to Command the militia of that County and ordered that the Commission appointing him Coll^o in the hands of Coll^o Ludwell Commander in Chief be returned to M^r President.

Ordered that a Commission be prepared for Coll^o John Smith to be Commander in Chief of Gloucester County

October the 22^d 1706

Present

As before

Captain Lawriere Master of the Ship Industry now in the upper District of James River came into Council & engaged to take two of the French prisoners sent from Carolina & carry them to London, and it is thereupon Ordered that Cap^t Rogers of the W^m Galley deliver two of the said prisoners to the s^d Lawriere.

Dudley Diggs Esq^r Auditor and W^m Byrd Receiver Gen^l of her Majestys Revenue haveing represented to this board that by reason of the low price of Tobacco her Majestys Quittrents are like to suffer in proportion to the Market especially since there are no Ships now in the Country to encourage purchasers to buy them & humbly praying the Directions of this Board what method may be most for her Majestys Advantage whether to sell the Quittrents by inch of Candle or otherwise to dispose thereof as occasion shall offer. The Council taking the same into Consideration are of opinion that in Case the Quittrents cannot be sold before the Courts held for the respective Countys in March (at which time the Sherifs are to make up their accounts) for the same price at least as they yeilded last year, then the Auditor & Receiver Gen^l to give directions to the respective County Courts to expose the said Quittrents to sale by inch of Candle to the highest bidder, giving such notice in the said Countys as may make the time & place Sale publickly known. And whereas the last years Quittrents of some Countys are yet unsold & no suitable offer made for the same. It is ordered that the Auditor & Receiver Gen^l continue their endeavours for Selling the same to the best advantage, but if no purchaser will a reasonable offer for them that then they Cause the said Quittrents to be in like manner Sold by inch of Candle at the respective County Courts.

Whereas information is given to this Board that the Surveyor of North Carolina doth not only lay out & survey Diverse tracts of land

within the bounds of the Colony but also that he is now about running the dividing lines between this Govern^t & North Carolina begining at the mouth of Nottoway river far within the known bounds of this Colony without any notice given to this Govern^t of his proceedings, and that Cap^t Joshua Wynne of Prince Georges County & sev^l other Inhabitants of this Colony have gone out as is Supposed on pretence of taking up land with the said Surveyor, It is ordered that Coll^o Benj^a Harrison do as soon as may be give directions to such persons as he shall think fitt to go out & stop the said Surveyor from proceeding any further in removing the said Bounds or Surveying any lands on this Side of Weyanock Creek the reputed bounds of this Collony, and for the better discovery of the place where the said Surveyor is at present employed. It is further ordered that the s^d Cap^t Joshua Wynne or such other persons as the s^d Coll^o Harrison shall Discover to have been last out with the said Surveyor be Summoned & required to attend the Gent to be appointed for stopping the s^d Surveyor & to Conduct them to the place where he is.

John Lightfoot Esq^r absent

The Queen and great men of the Pamunky Indians having petitione [d] Complained to this Board that John Lightfoot Esq^r lays Claime to the land on which their town stands & which was laid out & appointed for them by the Gen^l Assembly & hath threatned to turn them off the said Land whereby severall of the said Indians have been so frighted as to leave the town & Disperse themselves in the Country Upon hearing this day in Council the allegations of the great men of the said Indians. The said John Lightfoot having denyed the Charge laid against him, & the said Indians making nothing appear to prove the fact alledged in their petition the said petition was Dismist and the said Indians assured that they may depend on the protection of the Govern^t in case any person shall hereafter disturb them.

October the 24th 1706

Present

The honourable Edmund Jenings Esq ^r President	
Dudley Diggs	Philip Ludwell
Benj ^a Harrison	Henry Duke
Rob ^t Carter Esq ^{rs}	John Smith
James Blair Comm ^{ry}	W ^m Churchill Esq ^{rs}

Whereas upon the endeavours that have been already used for disposing of the French & Spanish prisoners sent hither from Carolina Sev^l persons Concerned in Shipping have offered to take some of the said prisoners & give them their passage for England & others of the said prisoners (as this Board are informed) are desirous to settle themselves in this Country It is therefore the opinion of the Council & accordingly ordered that in Case any Master of Ship bound for England shall be desirous & make application for any of the said prisoners to Coll^o Wilson Naval officer of the lower district of James

River or to Cap^t Francis Rogers who brought them in they deliver so many as shall be so desired, and that the remainder of the said prisoners be divided equally one third for James river to be delivered to Coll^o W^m Wilson. one third for York river to be delivered at York town to Coll^o Miles Cary naval officer of that district & one third to Rapp^a to be delivered to Coll^o Gawin Corbin naval officer of that District & that Cap^t Rogers take Care to disperse the said prisoners as aforesaid.

That such of the said prisoners as are allotted for James river be divided one half Sent to Northfolk town & the other half to remain at hampton town, & those for york & Rappahanock to be placed according to the direction of the naval officers.

That [if] the naval officers cant otherwise Dispose of them & find it necessary to Confirm them or any of them be charged with care of them either to Committ them to prison or otherwise Secure them so as no detriment may happen to the Country by their means.

That there be allowed Sixpence per day for the maintenance of each prisoner.

That upon application made to the said Naval officers for any of the said prisoners by any M^r of Ship engaging to transport them for England the naval officer shall order the Sherif to deliver so many as shall be desired upon the Masters receipt, and every naval officer or Sheriff to keep an exact account of the prisoners names the time when delivered & to whom.

That if the naval officer or Sheriff shall be satisfied that any of the prisoners are desirous to settle themselves in the Country & are willing to take the oaths of fidelity to the Queen, or if any of them will Settle themselves with any person Inhabitant of this Country that then leave shall be given to such prisoner to settle himself accordingly

Ordered that the Naval officer of the lower District of James River be discharged from taking the portcharges or other Dutys of the Ship W^m Galley he being only employed for the Queens service in the transportation of the French prisoners hither, & not intended for any trade here.

John Lightfoot Esq^r Present

A warrant for Collecting the Quittrents was read and approved & ordered to be prepared for the Presidents signing

October the 26th 1706

Present

The honourable Edmund Jenings Esq ^r President	
John Lightfoot	Philip Ludwell
Dudley Diggs	Henry Duke
Benj ^a Harrison	John Smith
Robert Carter Esq ^{rs}	&
James Blair Comm ^{rs}	W ^m Churchill Esq ^{rs}

The warrants for Collecting the Quittrents were signed by the President & Council.

The following warrants on the Receiver Gen^l to be paid out of her Majestys Revenue of 2^s per hogshead were signed by the Presid^t & Council

To the Gents of the Council half a year Sallary ending y^e 25th of this instant 175^{1b}

To W^m Blathwayt Esq^r half a years Sallary 50^{1b}

To Coll^o Nathaniel Blackiston Solicitor of the Virginia affairs half a years Sallary 50^{1b}

To the Attorney Gen^l half a years Sallary 20^{1b}

To the Clerk of the Council half a years Sallary 25^{1b}

To Edward Ross Gunner at James City half a years Sallary 7^{1b}: 10^s

To M^r Commissary Blair for so much paid sev^l Ministers for their attendance one gen^l Court 5^{1b}

To Coll^o Wilson for so much paid for a sloop & Pilot to attend her Majestys Ship Woolwich 35^{1b}

To the Clerk of the Council for severall expresses & Contingent Charges 31^{1b}:15^s:8^d

To the attorneys of Coll^o Nicholson for Charges about the Queens picture Eleven pounds thirteen Shillings

To M^r Comm^{ry} Blair half a years Sallary out of the Quittrents 50^{1b}.

To the Attorney Gen^l half a years Sallary out of the Quittrents 90^{1b}

Whereas upon passing the warrants this day in Council for the established Sallarys M^r President acquainted the Council that there was no warrant prepared for payment of any Sallarys to him & moved for directions therein, the Council finding no former practice to direct them in this Case as to the Quota of the Sallary allotted for the President in case of the Death or absence of a Govornor, and that tho' it is not to be doubted but appointment have been made in such Cases for the Support of the Dignity of that office, yet no signification thereof having been at any time sent hither It is therefore thought fitt that this matter be laid before the Lords Comm^{rs} for trade for their Lordships directions therein, & the president is willing the paym^t of any Sallary to him may be suspended in the mean time.

It being moved in behalf of Severall persons who have advanced money to Cap^t Lowin Commander of her Maj^{ty}s Ship Advice upon the Credit of his late Excellency who had engaged to endorse the said Cap^t Lowin's Bills, that for as much as his said Excellency dyed before the said Bills could be presented to him for his endorsem^t some care may be taken to endorse the said bills so as the persons who advanced the money may receive the benefite thereof. it is the opinion of the Council that M^r President endorse the said Bills to the persons concerned the money being advanced for her Majestys Service upon the Credit of the Government.

Charles Russell Commander of the hampton Galley a sloop of thirteen tunns & carrying 20 men petitioning the president & Council

for a Commission as a private man of war to Cruise upon the Enemys of her Majesty and her allyes It is ordered that a Commⁿ be granted him accordingly and that M^r Attorney Gen^l prepare such a bond to be signed by the said Russell & his Securitys as is required in the like Cases.

Upon the petition of Joseph Mumford Complaining that one Thomas Perrin makes it his business to pilot Ships into York river without any authority or Commission for so doing to the prejudice of the petitioner who has obtained Commission to be pilot of that river, It is ordered that the said person appear before the honourable the president and Council at the Capitol the 2^d day of next Gen^l Court to answer the said petitioner.

A letter to the Lord Commissioners for trade concerning the prisoners sent hither from South Carolina, the Deputies about the bounds of Virg^a and North Carolina the presidents Sallary and some other matters was read in Council approved & signed by all the Council present, and ordered to be sent by W^m Robertson Clerk of the Council.

W^m Robertson Clerk of the Council moving for leave to go for England for the recovery of his health which is accordingly impaired by a long lingring distemper wherewith he has been afflicted: Leave is accordingly granted him and ordered that he deliver the publick papers in his custody to such person as this Board shall think fitt to succeed in that office.

Whereas this Board are informed that the Surveyor of North Carolina hath lately made diverse surveys within the bounds of this Government & that severall of the inhabitants of this Colony have been deluded by the specious pretences of the said surveyor & others out of a design of creating to themselves a title to diverse tracts of land in those parts under pretence of making Entrys for the same as under the Government of North Carolina altho' the s^d Government cant have the least shadow of Right thereto by any thing that appears from their Charters for preventing her Majestys subjects Inhabitants of this Colony from being further imposed upon this board have thought fitt to publish and Declare that as they conceive her Majesty hath right to all the lands lying on this Side Weyanock Creek the utmost boundary of the property of Carolina, and therefore all such persons as have made any entrys or surveys or taken any patents from the Government of Carolina for any lands on the Nottoway or Maherine rivers or to the Northward of the said Weyanock Creek are to expect any benefite thereby but whenever the line between the Government & Carolina shall be run & leave given for taking up the Lands in those parts, such Entrys will be so far from giving them any preference that such persons as have taken the same will rather be excluded from the benefite thereof as having justly forfeited the favour of the Governm^t by disclaiming as far as them lyes her Majesties title to those lands. And ordered that publication hereof be made in all Churches Chappells and Courthouses on the Southside James river & y^t y^e respective Sheriffs take care y^t y^e same be done accordingly.

October the 28th 1706

Present

Edmund Jenings Esq ^r President	
Dudley Diggs	Philip Ludwell
Robert Carter	John Smith
James Blair	W ^m Churchill Esq ^{rs}

The proceedings of Council since the Gen^l Court read over and approved.

At a Council held at the Capitol the 26th [29th?] of November 1706

Present

The honourable Edmund Jenings Esq ^r President	
Dudley Diggs	W ^m Bassett
M ^r Comm ^{ry} Blair	Henry Duke &
Philip Ludwell Esq ^r	John Smith Esq ^{rs}

Upon reading a letter from the Right honourable the Lords Commissioners for trade dated the 30th of May last past signifying her Majestys pleasure that a Day of thanksgiving be speedily appointed and observed throughout this Colony for the signal & glorious victory obtained over her Maj^{ty}s Enemies in Brabant & the Spanish Netherlands under the Conduct of his grace the Duke of Marlborough as also for the great successes of her Majesties arms in Catalonia & other parts of Spain It is ordered that thursday the 12th of December next be kept & observed throughout this Dominion as a day of publick thanksgiving to Almighty God for these great & Signal blessings and aproclamation was prepared accordingly.

M^r President communicated to y^e Council two letters from the right honourable S^r Charles Hedges knight her Majesties principal Secretary of State the one dated the 9th & the other the 30th of May last giving an account of the great successes of her Majesties arms in the Netherlands and in Spain with directions for publishing the same so as it may reach the Spanish West Indies & underceive that people whereupon the Council are of opinion that the remoteness of the Spanish Dominions from this Country doth not afford any certain way of Communicating to them this happy news, but as M^r President has already made the same as publick as may be through this Colony it will undoubtedly be carried wherever this Country has any intercourse.

M^r President acquainted the Council that through the hurry of business at the generall Court, it was omitted to send the Secretary of State an account of the Invasion made by the French on Carolina & of the prisoners sent hither, and that therefore he had written to her Maj^{ty}s principall Secretary of State y^e same account of that matter as the Council had given in their letter to the right honorable the Lords Commissioners for trade, and the presidents letter being read was approved in Council.

M^r President delivered in Council two Copys of Latine Verses presented to him on the 5th of this instant as the quittrents of the lands

granted by Charter to W^m and Mary College, the same being directed to be presented to the Governor for the time being yearly on y^t day.

John Marene an Indian being taken in Essex County & by *mitimus* from the justices of that County committed to the publick Goal at Williamsburgh was this day brought before the Council Upon examination confessed that he was Servant to one John Reading of Mount amwell in New Jersey (there being also found a Collar about his neck with that inscription) and that he was taken by some strange Indians & brought from jersey hither, but knows not what Indians they were. It is ordered that the keeper of the Country Goal take care to secure the said Indian untill his said M^r shall send for him and pay the usual Charges according to Law.

On the petition of John, Charles, Joseph & Benj^a Holt orphans of John Holt late of Lawns Creek parish in Surry County praying the benefite of her Maj^{ties} warrant for remitting the forfeiture of their fathers Estate fallen to her Majesty by reason of the said John Holts laying violent hands on himself, It is ordered that M^r Attorney Gen^l prepare such an instrument to pass the seal of this Colony for remitting the said forfeiture & restoring y^e said orphans to the possession of the said Estate as is directed by her Majes^{ties} warrant bearing date the 7th of Jan^{ry} 1705

Margery Whittaker widow of Henry Whittaker of the County of Warwick by her petition setting forth that her said Husband being possest of a considerable Estate both real & personal, & having made no provisions for her in his lifetime killed himself, that since his Death the Coroner of the said County hath taken into his Custody all the personall Estate of the said Henry, and also all the negroes altho' the same are real Estate & not forfeited and therefore praying that an order may issue to y^e said Sherif to deliver to her one third part of the said negroes as her Dower she having no sort of maintenance out of the Estate of her said husband Upon consideration of the said petition and it being also moved whether the debts of the said Whittaker ought not to be paid out of his personall Estate, It is ordered that it be referred to M^r Attorney Gen^l to consider if the negroes of the said Whittaker are forfeited by his Killing himself and if his Widow ought to be endowed of the third part of the said negroes, as also whether y^e personal Estate of the said Whitaker is chargeable with the payment of his debts and that he report his opinion thereof against the next meeting of the Council.

At a Council held at the Capitol the 5th day of february 1706
[1706/7]

Present

The honourable Edmund Jenings Esq ^r President	
Dudley Diggs Esq ^r	W ^m Bassett
James Blair Comm ^{ry}	Henry Duke &
Philip Ludwell Esq ^r	John Smith Esq ^{rs}

Whereas in pursuance of her Majesties Commands signified by the right hon^{ble} S^r Charles Hedges her Majestys principal Secretary

of State an ordered of Council issued bearing Date 15th of october last past whereby permission was given (notwithstanding the former Embargo) for such ships as could not get ready to proceed homewards with the last Convoy for England to sail as soon as they should be loaded and whereas the said order hath now had its full effect by the Departure of most of those latter ships except a few still in the Country who are speedily expected to sail and to the end her Maj^{ty}s instruction Concerning Embargoes may again be put in execution. This board do therefore order and direct that from & after the 20th day of march next ensuing a Gen^l Embargo be layed on all ships and vessels bound for England and that no ship or vessell be cleared after that day until further order of which the Collectors & naval officers are to take notice and Conform themselves accordingly.

Upon reading at this Board sev^l letters from the right honourable S^r Charles Hedges Knight her Majesties principal Secretary of State giving an account of the glorious successes of her Majesties arms in conjunction with those of her allys this last Campane it was resolved that an humble address be made to her Majesty to Congratulate her Maj^{ty} on those successes and an address being accordingly prepared was signed in Council.

Whereas M^r Auditor Diggs hath represented to this that in some Countys where there is tobacco of Diverse Kinds & qualitys, the price of her Maj^{ty}s Quittrents is much lessened by selling those different species of Tobacco together the badness of the one rendring the other less valuable & proposeing that the Quittrents of such Countys be sold in parcells according to the precincts in which those different Kinds of Tobacco are produced, The Council approving of the said proposal as advantageous for her Maj^{ties} interest do hereby impower the said Aud^r to follow the above method proposed by him in the sale of the said quittrents & in Case no suitable offer be made to himself that then he give directions for the sale thereof at the respective County Courts in the manner & method above proposed.

Whereas by reason of the badness of the weather the Commission for takeing the depositions of Henry Plumpton and others relating to the bounds between this Govern^t & Carolina could not be executed in due time. It is therefore ordered that a new Commission issue directed to the Gent appointed by the former Commission empowering them to meet at the said Plumpton at such convenient time as they shall agree upon & there take the depositions of the said Plumpton & such others as they shall judge proper Evidences in this matter & that they make due return of their proceedings to the Council office.

Whereas one John Woodson of Henrico County hath lately purchased diverse plantations and seats of land from some of the french refugees inhabiting in or about the Manacin Town the said lands being parcell of the land laid out & appropriated by an order of Assembly for the said regugees as an encouragement of their Cohabitation for the better strengthening of the frontiers, this Board have thought fitt to impower Coll^o W^m Randolph to caution the said John Woodson that for as much as the said purchases tends to the destruction of that Settlement which this Govern^t hath been at so

great Charge to encourage & that none of the said Refugees have yet obtained right to the said lands by patent & therefore any purchase he hath or shall make shall be accounted void & be excluded from any benefite thereof, And the Coll^o Randolph is further desired to acquaint the said refugees that they will not be permitted to make sales of any of the lands given them by the Government of the Manacin town otherwise than to such of their own nation as actually reside and Inhabite there. And it the opinion of the Council that it is proper for the Consideration of the next gen^l Assembly to restraine & regulate the conferring the said lands so as the end for which it was first granted may be best answered.

M^{rs} Debarres the widow of Jn^o Debarres a french prisoner of war brought in hither by Cap^t Thompson of her Majestys Ship the Woolwich Setting forth that her said Husband being lately Dead has left her with four Children in a miserable condition without any thing for her support & praying to be transported at the Charge of the Government to some of her Majestys Islands in the West Indies from whence she may find a passage to her relations in Martinico It is the opinion of the Council that leave be given for the transportation of the said M^{rs} Debarres & her Children to the Island of Antegoa or some other of her Majestys Islands in the West Indies & ordered that 10^{li} sterling be paid as of her Majesties Revenue for defraying the Charge of their passage.

Upon reading the petitions of the Vestrys of the Parishes of York & Hampton setting forth that the said parishes being so small & poor as not to be able to maintain Ministers according to Law and praying that pursuant to the 11th act of Assembly made at James City the 24th of september 1696 the said parishes may be united and consolidated into one parish to be called and known by the name of Yorkhampton. It is the opinion of the Council that the said petition is reasonable & is ordered that the Clerk of the Council prepare an instrument against next meeting of Council for Consolidating y^e said Parishes according to y^e prayer of the said petition.

M^r Attorney Gen^l having in obedience to an order of Council reported his opinion on y^e petition of Marjery Whittaker in the following words.

Pursuant to an order of Council dated the 26th of November 1706: I have perused the act of Assembly of this Colony Entituled an act declareing the negro, mulatto & Indian slaves within this Colony to be real Estate &c, & have also perused the Coroners Inquest (& the return thereof) who satt upon the body of Henry Whittaker dated the 4th aprill 1706 on which inquest it is not returned whether the said Henry was *felo de se* or *non compos* &c but only in gen^l terms that he hanged himself, whereupon there issued out a [illegible] &c and by that inquest I find that the return is that the said Henry was *compos mentis* at the time of hanging himself, that bear date 10th july 1706.

Now upon consideration of the whole I conceive & am opinion that by the law or act of Assembly aforesaid all negro, Mulatto or Indian Slaves are such a real Estate as a woman is Dowable of.

But in this case finding the stroke or fact to be committed (according to the time of passing the law before the act of Assembly (tho not according or in relation to the commencement of the Assembly) that being begun in October 1705; and there being no time mentioned or limited in y^e said act of Assembly from whence it should have a beginning, Do therefore conceive & am of opinion that the said act of Assembly begins and takes place & is an was in force from y^e 23^d day of October 1705 (the day as the Assembly begun) so then the stroke or fact was after and within the act &c.

As to the relief of the creditors of the said Henry (the Queen having the forfeiture of the said personal Estate) I conceive they have none but by petition to the Queen (who in those cases usually remitts so much as will pay the debts of the said filodese February 5th 1706

S. Thomson C G

Ordered that the Coroner of Warwick County Cause all the personal Estate which belonged to Henry Whittaker late of the s^d County at the time of his laying violent hands on himself to be sold by way of outcry for money or bills of Exch^a to be accounted for by the said Sheriff to her Maj^{ty}s Auditor and paid to the Receiver Gen^l at next Aprill gen^l Court & the Consideration of M^r Attorney Gen^ls opinion relateing to the Negroes of the said Whittaker is referred till a fuller Council.

On the petition of Richard Kendall & W^m Meyers in behalf of the orphans of Henry Nicholson late of James City County who was found *flo de se* praying that the debts of the said Nicholson may be first satisfied & Deducted out of personall Estate now seized by the Coroner as forfeited to her Majesty & that the residue thereof which is inconsiderable may be granted to the said orphans in the like manner that the Negroes of the said Nicholson being real Estate may be delivered up to them for the use of the orphans. It is the opinion of the Council & accordingly ordered that the two negroes belonging to the Estate of the said Nicholson be forthwith delivered up to the petitioners for the benefite of the said Orphans & ordered that the sheriff of James City County Cause the personal Estate of the said Nicholson to be sold by publick outcry for money or bills of Exchange to be accounted for by the said Sheriff to her Majesties Aud^r & payed unto the Receiver Gen^l next Aprill Gen^l Court

Whereas it hath been represented to this Board that Mr. George Marable & some others tenants of the Governors Lands have refused to pay the rent under a pretense that the same is only due to the Gov^r for the time being. It is the opinion of the Council that the s^d rent is apperquisite of the Government which ought to be paid by the tenants during the vacancy of a Governor to the president for the time being to be accounted for by him as her Maj^{ty}e shall direct.

M^r Attorney Gen^l having in obedience to an order of this Board prepared a bond to be signed by Charles Russell with his securitys in order to his obtaining a Commission for a Private man of war. It is also ordered that Mr. Attorney Gen^l do likewise prepare a suitable Commⁿ & Instructions for the said Russell w^{ch} M^r President is desired to sign upon their being so prepared as aforesaid.

At a Council held at the Capitol the 16th day of April 1707

Present

The hon ^{ble} Edmund Jenings Esq ^r President	
Dudley Digges	Philip Ludwell
Benj ^a Harrison	William Bassett
Rob ^t Carter	Henry Duke
John Custis Esq ^{rs}	Jn ^o Smith &
James Blair Comm ^{ry}	W ^m Churchill Esq ^{rs}

Whereas the Gen^{ll} Assembly stands prorogued by a proclamation issued by the late Governor the 9th day of August last past to the 24th of this moneth and it being uncertain what occasion there may be for an Assembly in Case of Invasion from our Enemies before the arrival of a new Governor and that it appears by a letter from the right hon^{ble} the Lords Commissioners for Trade, the Presid^t & Council may pass such acts as are immediately necessary for the peace and welfare of the Colony It is therefore resolved that the Assembly be prorogued till the 20th of June next & that a proclamacon issue accordingly.

A Letter from Coll^o Nathaniel Blackiston Solicitor of the Virginia affairs directed to the President and Council dated the 27th November was Read in Council.

Upon reading a letter from his Excellency Coll^o Seymour Governor of Maryland directed to M^r President dated the 5th instant signifying that one Richard Clark who had been outlawed for felony and treason in that province hath lately made an attempt to blow up the Magazine at Annapolis & intends to seize to go a pyrateing to Madagascar, hath made his escape into this Colony & is frequently in Northumberland and Northfolk Countys. It is ordered that Warrants be directed to the Sheriffs of the said Countys forthwith to search for and apprehend y^e s^d Clark & to secure him in prison under a good guard & give notice to M^r President to the intent orders may be given for transporting him to Maryland.

W^m Wyer M^r of the Briganteen Endeavour by his petition setting forth that he hath well nigh compleated his loading and in order to his proceeding on his voyage to the north of England whither he is directed by his owners and that his vessell being well fitted and a good sailer and being bound to the Northern parts where there is little Danger of an enemy prays he may be permitted to sail notwithstanding the Embargo. the Council takeing y^e same into Consideration & being desirous to take this opportunity of transmitting to England the Publick Dispatches for her Maj^{ties} Service and to give the Inhabitants the like opportunity of writing to their Correspondents in England at a time when the miscarriage of the late fleet has occasioned so great Losses to many in the Country have permitted and do hereby permit ye said W^m Wyer to clear and sail for England notwithstanding the Embargo and the Collector and naval officer of the Districts of James River are required to Clear the vessell accordingly, but the clerk of the Council is directed not to issue this order until the said Wyer has received the publick Dispatches from M^r President.

April the 22^d 1707*Present*

The hon ^{ble} Edmund Jenings Esq ^r President	
Dudley Digges	Philip Ludwell
Benj ^a Harrison	W ^m Bassett
Robert Carter	Henry Duke
John Custis Esq ^{rs}	John Smith &
M ^r Comm ^{ry} Blair	W ^m Churchill Esq ^{rs}

On the petition of Claude Phillipe de Richbourgh Minister and other French refugees settled at Manakin Town praying y^t since the Assembly have erected their Settlement into a Parish they may be admitted to choose a Vestry in y^e same manner as other parishes have elected y^e same according to the Constitution of England and that the Vestry now established among them may be dissolved It is the opinion of the Council and accordingly ordered that for the better understanding the Disputes and Contraversies that are now on foot among y^e said refugees in relation to their vestry, the said Claude Phillipe de Richbourgh and any three of the Inhabitants of the said parish who are desirous of a new Vestry and M^r Abraham Sallé and any three of the said Inhabitants who are for Continuing the old vestry have notice to attend this Board at the next Council in order to a fair and impartial hearing of the matters in difference between them that So this Board may proceed as the justice and equity of the Case shall require And in the meantime the Court of Henrico County are hereby forbid to intermedle with y^e Swearing any Vestry for the same Parish.

Claude Phillipe de Richbourgh Minister at y^e Manakin Town by petition Complaining that Abraham Salle did on Sunday the 30th of March last insult the petitioner whilst he was in the pulpit and after he came out continued to abuse him with sev^{ll} opprobrious words. It is ordered that the said Salle be Summoned to appear at next Council to answer the said petition.

Whereas it hath been represented to this Board by the Maherine Indians that sev^{ll} persons under pretence of grants from y^e Government of North Carolina have seated plantations within their bounds and have proceeded so far as to make Cornfields within their Towns and threatened to turn them out of their Settlement which they have enjoyed for many years. It is the opinion of the Council that the Maherine Indians having alwayes been tributary to this Government and enjoying the protection thereof together with their lands by Ver^{tu}e of the Articles of peace Concluded between the Governm^t & the said Indians ought still to be protected in the possession thereof from the pretensions of the Government of Carolina and ordered that a Letter be writt to y^e Governor of North Carolina desireing him not to require tribute of them & to give directions that no persons within his Governm^t or under pretence of any title from it Disturb the said Indians or make any Settlements nigh their bounds while the limits of both Governments remain undetermined for that otherwise this board will be obliged to take other measures to protect y^e said Indians & punish any person that shall presume to disturb them by settling within their bounds or otherwise.

Upon the Motion of M^r Auditor Digges ordered that Munday the 28th inst be appointed for auditing the accounts of her Majties Revenue.

Whereas M^r Auditor Digges hath represented to this Board that upon examination of the Naval Officers Accounts he finds that y^e Duty of Tunnage hath not been received according to the directions of the late Act of Assembly for measuring & gageing all Ships and Vessells the said Naval officers not looking upon themselves to be obliged to measure the said Ships Upon perusal of the said Act It is the opinion of the Council that y^e Naval officers as they are Collectors of the duty of Tunnage are the persons intended by the Act of Assembly for measuring all Ships and Vessells Chargeable with that Duty and ordered that the Naval officers who are now in town be required to attend the Council & give an account why the Ships have not been measured as the Law in that Case prescribes.

April the 23^d 1707

Present

The hon ^{ble} Edmund Jenings Esq ^r President	
Dudley Digges	W ^m Bassett
Benj ^a Harrison	Henry Duke
Robert Carter	John Smith
John Custis Esq ^{rs}	&
M ^r Comm ^{ry} Blair	W ^m Churchill Esq ^{rs}

On the petition of Luke Harveild Sherrif of Nansemond County setting forth that by an order of Council bearing date in May last there was allowed for each of the Countys on the Southside of James except Nansemond & Northfolk 4 per Cent for makeing her Majties Quittrents Convenient that y^e said County of Nansemond is as inconvenient as any of the others to whom the allowance was granted and therefore praying that y^e same allowance of 4 per Cent may be made to him as well as to the Sheriffs of the other Countys aforementioned the Council haveing Considered y^e said petition & having also been informed of the inconveniency of the Tobacco in the said County are therefore of opinion that M^r Aud^r give the same allowance to the Sheriff of Nansemond for making the quittrent Tobacco Convenient as hath been given to the Sheriffs of the other Countys on that Side James river.

On the petition of John Reminton he is appointed Door Keeper to the Council & ordered to give his attendance accordingly.

April the 24th 1707

Present

The hon ^{ble} Edm ^d Jenings Esq ^r President	
Dudley Digges	Philip Ludwell
Benj ^a Harrison	W ^m Bassett
Robert Carter	Henry Duke
John Custis Esq ^{rs}	John Smith &
James Blair Com ^{ry}	William Churchill Esq ^{rs}

The naval officers in pursuance of the Directions to them given Came this Day before the Council & being interogated why the Ships

that have been entred by them since the promulgation of the act of Assembly for raising a publick Revenue &c. have not been measured & the Tunnage received according to the Directions of the said act presented the following answer.

To the hon^{ble} the President & Council of Virginia

We the naval officers whose names are underwritten humbly offer the following reasons for our not receiving the Duty of Tunnage according to an act of Gen^l Assembly lately made entit^d an act for raising a publick Revenue &c

1st It is not directed by the said act who shall measure Ships and Vessells neither have we received any Commands from the Government to measure any.

2 Having Endeavoured to inform our selves by Discourseing sev^l masters of Ships we Conceive it is not practicable to measure the length of the keel of any Ship or Vessel, unless such Ship or Vessel lye upon the Shoar, However if your Honours think fitt to give any Commands therein, we shall endeavour to Comply therewith, according to the best of our judgement being alwayes ready as far as in us lyes to pay all Duty & Deference to the Commands of the Governm^t and manifest our selves

Your Honours

Most faithfull & obedient Serv^{ts}

Miles Cary

Ar Allen

G Corbin

On Consideration of which answer and the motion of M^r Auditor Digges for Directions in passing the accounts of the Naval officers now before him It is the opinion of the Council that the naval officers having never heretofore made application to this Board for Directions in this matter and the Ships being now gone it is not in their power to remedy what is past & therefore they think it proper that these acco^{ts} be rec^d as usual and that a mem^d that the Ships have not been measured as the law directs be entred on the Council Journal and transmitted to England with y^e acco^{ts} of the Revenue and the answer given by the said Naval Officers.

On the Complaint of Dudley Digges Esq^r Auditor and W^m Byrd Esq^r Receiver Gen^l against Richard Ligon Surveyor of Henry County for evil practices in his office in giving greater quantites of Land to Sev^l persons than the Certificates ret^d by him Contain and for his incapacity to execute the said office Ordered that the Said Rich^d Ligon be required to attend at y^e next meeting of Council to answer the said Complaint and that in the mean time the Surveyor Gen^l be directed to examine y^e Certificates and plotts made by the said Ligon to Jn^o Woodson and such others as shall be thought necessary and report to this Board whether the quantites of Land therein mentioned to be Surveyed by him are truely and justly Computed.

Upon reading at this board the petition of John Thomas Master of the Ship Bristoll pink Setting forth that he being now ready to Sail for Bristoll according to the intentions of his freightors & the obligations he lyes under & haveing a good Ship well manned and intending

to proceed in Company with Cap^t Malcom Commander of the Tiger who has the Queens letter & a Ship of Considerable force bound to the same porte he prays leave to Sail notwithstanding the Embargo On Consideration whereof the Council do hereby permitt the said John Thomas with his said Ship to Clear and proceed in his Voyage according to the prayer of his petition and y^e Collector and Naval officer of York District are directed to Clear y^e s^d Ship accordingly.

Jn^o Allen being presented by the surveyor Gen^l to the President and Council for their approbation to be Surveyor of the Countys of Surry and Isle of Wight was accordingly approved of.

April y^e 25th 1707

Present

as Yesterday

This day the president & Council did nominate & appoint Coroners for the Sev^l Countys of this Colony according to the Return made by the respective County Courts.

The following persons were this day nominated & appointed in Council to be sherrifs of the Sev^l Countys of this Colony for the ensuing Year Viz.

Henryco.....	Jn ^o Bolling
Charles City.....	Jn ^o Eppes
Prince George.....	Francis Malory
Surry.....	Tho: Holt
Isle of Wight.....	Nath ^l Ridley
Nansemond.....	Luke Haveild
Northfolk.....	
Princess Anne.....	Edward Mosely
New Kent.....	Roger Thompson
King W ^m	Marten Palmer
Gloucester.....	Conquest Wyat
Midlesex.....	Matt: Kemp
Essex.....	W ^m Tomlin
Richmond.....	W ^m Tayloe
Stafford.....	W ^m Fitzhugh
Westmoreland.....	Will ^{by} Allerton
Eliz ^a City.....	Fran. Ballard
Warwick.....	Tho: Haynes
York.....	W ^m Barbor
James City.....	Jn ^o Geddes
Northumberland.....	Rich ^d Hainie
Lancaster.....	Jn ^o Turberville
Accomack.....	Tully Robinson
Northampton.....	Jn ^o Luke

Miles Cary Gent who executes the office of Surveyor Gen^l in behalfe of the Trustee of W^m & Mary College having made presentation of the following persons to be Surveyors of the underwritten Countys They were approved of accordingly. viz

Thomas Gregg for Stafford
W^m Thornton for Richmond
George Cooper for Northumberland
Thomas Thomson for Westmoreland
for Lancaster
Thomas Cook for Midle Sex

April 26th 1707

Present

as Yesterday

On the representation of the Court of King W^m County ordered that a new Commission of the peace issue for the said County and that Samuel Normant, John Cesar, George Purchase, and W^m Chadwich be added.

Ordered that a new Commission of the peace issue for King and Queen County and that Thomas Pettit and Jn^o Maddison be added to the Quorum.

Dudley Digges Esq^r Auditor and W^m Byrd Esq^r Receiver Gen^{ll} of her Majesties Revenue Representing that Jn^o Woodson of Henrico County holds a great Deal more land in a tract Lying over against the manacon Town than is Contained in his Patent to the prejudice of her Maj^{ty} in her Revenue of qu'rents and of y^e Rights upon which the said land ought to have been taken up and praying that the said Woodson may be directed to Survey his lands by some Sworne Surveyor other than the Surveyor of the County or that the petitioners in her Maj^{ties} behalfe may have Liberty to Survey the same ordered that the said petition be referred to M^r Attorney Gen^{ll} to Consider and reporte his opinion on munday next what method must be taken to oblige the said Woodson or any other person holding more lands than their patents Contain to Survey the same in order to Discover y^e Quantity held by them.

Whereas Simon Kilcrease of King W^m County is accused for haveing killed a Tuscaruro Indian in the said County. It is ordered that the Court of King W^m County call before them the said Kilcrease & Committ him unto the Common Goal of the said County untill he shall give good and Sufficent Bail for his personal appearance on the 4th day of the next Gen^{ll} Court to answer what shal be laid to his Charge in relation to the fact abovementioned.

Whereas Dudley Digges Esq^r her Majestys Auditor hath represented to this Board that the Creditors of Henry Whittaker of Warwick Co^{ty} and Henry Nicholson of James City County who have lately been found felones de se have made applications for allowance of the sev^{ll} Debts It is the opinion of the Council & accordingly ordered that the said Creditors be Directed to prove their Debts according to law in the respective Courts of Warwick and James City & Return the Same to her Maj^{ties} Auditor that further Consideration may be had thereof.

April the 30th 1707

Present

The hon ^{ble} Edmund Jenings Esq ^r President	
Dudley Digges	John Custis Esq ^r
Benj ^a Harrison	M ^r Comm ^{ry} Blair
Robert Carter Esq ^{rs}	Philip Ludwell &
	Jn ^o Smith Esq ^{rs}

Whereas M^r President did this day acquaint the Council that there were Diverse patents for land prepared this Gen^l Court as well as others that were Delayed to be Signed last Gen^l Court in expectation of orders from the right hon^{ble} y^e Lords Comm^{rs} for trade and Desired the opinion of the Council what was proper to be done in relation to the said patents The Council are thereupon of opinion that no patents be Signed untill the right hon^{ble} y^e Lords Comm^{rs} for trade have Signified their Directions therein.

W^m Byrd Esq^r Receiver Gen^l of her Maj^{ties} Revenues acquainting this Board that sev^l of the Sherrifs & naval officers have not yet accot^{ed} with them so that he is not yet prepared to lay his accot^s before the Council in order to their being Audited and past ordered that he prepare his accot^s against the next meeting of Council

The following warrants on W^m Byrd Esq^r Receiver Gen^l of her Maj^{ties} Revenue of two shill per hh^d &c were this day passed in Council Viz.

To the Gent of her Majesties hon^{ble} Council half a years Sallary ending the 25th of this instant April one hundred seventy five pounds

To W^m Blathwyat Esq^r Auditor and Surveyor Gen^l &c half a years Sallary ending the same time 50^{li}

To Nathaniel Blackiston Esq^r Solicitor of the Virginia affairs half a years Sallary ending the same time 50^{li}

To Stephen Thompson Esq^r her Maj^{ties} attorney Gen^l half a years Sallary ending the same time 20^{li}

To M^r W^m Robertson Clerk of her Maj^{ties} hon^{ble} Council half a years Sallary ending the same time 25^{li}

To Edward Ross Gunner at James City half a years Sallary ending the same time 7^{li} 10^s

To M^r Commissary Blair for so much paid sev^l ministers for their attendance one Gen^l Court 5^{li}

To M^r W^m Robertson Clerk of her Maj^{ties} Council for sev^l expresses & Contingent Charges 31^{li}:4^s:0

To M^r Comm^{ry} Blair half a years Sallary out of the quittrents 50^{li}

To Stephen Thompson her Maj^{ties} Attorney Gen^l half a years additional Sallary out of the q^{tt}rents 31^{li}

On Consideration of M^r Attorney Gen^{ls} Opinion on the petⁿ of Margery Whittaker Concerning the negroes of Henry Whittaker her Deceased husband who was found felo de se. This Board being informed that y^e s^d Margery Whittaker detains the s^d Negroes in her possession It is Ordered that M^r Attorney Gen^l in her Maj^{ties} behalf bring Suit to the next Gen^l Court against the said Majery Whittaker

for the said Negroes to the intent the matter of Right may be then Determined.

On the motion of Benj^a Harrison jun^r Esq^r Treasurer of the impositions of Liquors & Slaves It is Ordered that Coll^o Rich^d Lee Naval Officer of Potomack & Mr Hancock Custis Naval officer of the eastern Shore District make oath to their acco^{ts} of the said Dutys before the Court of the respective Countys where they live and forthwith transmitt the same with the money Due thereupon to the said Treasurer.

Conquest Wyat Gent^t Sherriff of Gloucester County by his petition praying to be Discharged of that office It is thereupon ordered that Anthony Gregory Gent be appo^{ted} Sherriff of the said County for the ensuing year.

Upon reading the petition of Benj^a Harrison junior Esq^r Setting forth that he hath heretofore been at great Charge & trouble in makeing Collections of such materials as he thought might be necessary to enable him to Compose a History of this Colony of Virg^a from the first Discovery and Settlement thereof but by y^e Unfortunate burning of the College (amongst sev^{ll} other things) he lost the greatest parte of those Collections. And therefore praying that he may be admitted at Seasonable times to have access to the publick Records of this Government and that he may have liberty to make extracts of such things as he shall find material for this purpose. It is the opinion of the Council and accordingly ordered that leave be granted the petitioner for access to the publick records of the Secretarys Office & that when he shall have occasion to inspect the Records of the Council Office he make his application from time to time to the Council for what he shall judge material that they may Consider whether the same be fitt to be given him.

The Clerk of the Council haveing according to order prepared an Instrument for Consolidateing the parishes of York & Hampton the same was read and approved in Council.

A letter to the President and Council of Carolina pursuant to the resolutions of this Board on the 22^d instant was this day signed in Council.

At a Council held at the Capitol
the 10th day of June 1707

Present

The hon ^{ble} Edmund Jenings Esq ^r President	
Dudley Digges	Philip Ludwell
James Blair Comm ^{ry}	W ^m Bassett &
	John Smith Esq ^{rs}

Ordered that a proclamation issue prorogueing the Gen^{ll} Assembly to the tenth of September next.

Whereas information is given to this Board that a privateer of 18 Gunns hath lately taken Six Ships about Six Leagues off y^e Capes viz one of the Lynne one of plimouth, one of Whitehaven, Two from

New England, and one from Bristoll which last (with one of the New England Vessells) was ransomed and hath brought in hither the Companys belonging to three of the other Ships. And Whereas the Success of this privateer may too probably encourage him to Continue Longer on our Coast to the great Danger of the Sev^l merch^t Ships that are now Laden & almost in a readiness to Sail pursuant to her Maj^{ties} Lycence granted them. It is therefore ordered that for the better Security of those Merchant Ships in their return for England Dureing this time of Danger the naval officers give notice to the M^{rs} of all such Ships as have obtained Licence for their Sailing when Laded that it the opinion of the Council that they sail out in Company & for that end they are to repair to the mouth of James River the place appointed for their Randevouze by the first day of July next at farthest where tis hoped that they will be joined by the Ships from Maryland) and from thence to proceed directly on their voyage for England.

And ordered that a letter be writt to the Governor of Maryland to informe his Excellency of the present Danger & the measures prepared for preservation of the trade now bound out & to desire that if he thinks proper the homeward bound Ships from that province that have her Majestys Licence may joine those here by the time appointed for their Departure & a Letter was prepared accordingly.

Ordered that an express be sent to his Excellency the Lord Cornbury Governor of New Yorke to informe him of the Danger the trade of this Country is now exposed to and to request his Excellency to order one of her Majestys Ships attending his Government to Cruise Towards our Capes in Search of the privateer abovementioned, and if possible to touch here by the first of July in order to Convoy our Merchant Ships some Leagues out to Sea, & a Letter was prepared accordingly.

Ordered that the Commanding officers of the Militia in the Countys of Eliz^a City princess Anne, & Northampton appoint persons to look out to Seaward for the better discovering any privateers or other Ship of war of the Enemys and upon such Discovery to give the said Commanding officer immediate notice thereof.

Resolved that it is necessary to represent to her Majesty by the right hon^{ble} her Maj^{ties} principal Secretary of State, the Lords Comm^{rs} for trade and to the Lord high Admiral the Danger this her Majesty Colony as well as the Ships tradeing hither are exposed to for want of a Ship of war attending here for the Defence thereof And that such representation be considered of in a full Council.

Ordered that a full Council be held on the 26th instant and that the Auditor and Receiver Gen^l have then their accounts in a readiness to be past.

Ordered that all the Sherifs that have not accounted for her Majestys Quittrents for the year 1706 do forthwith attend the Aud^r and Receiver Gen^l to pass their accounts.

Upon reading a Letter from his Excellency Coll^o Seymour Governor of Maryland that Richard Clark al^s Robert Garrett Outlawed in that province for treason and for whom a warrant was issued lately here still lyes out in Rebellion and is Suspected to be harboured in this Country and that one Edw^d Parlor a blacksmith an accomplice

of the said Clarks is also fled from justice and Lurks in this Colony It is therefore ordered that a proclamation issue for apprehending the said Clerk & Parlor and promisseing the reward of fourty pounds Sterling to be paid to the person apprehending the aforesaid Clark & five pounds to the person apprehending Parlor according to the Governor of Marylands letter.

Coll^o Philip Ludwell is appointed Escheator of the Sev¹¹ Countys between York and James Rivers in the room of Coll^o Jn^o Lightfoot Deceased.

Coll^o W^m Bassett is appointed Commander in Chiefe of the Militia of King W^m County & Coll^o Jn^o Smith Commander in Chiefe of the Militia of King and Queen County in the room of Coll^o John Lightfoot Deceased.

At a Council held at the Capitol y^e 26th of June 1707

Present

The hon ^{ble} Edmund Jenings Esq ^r	Present [President]
Dudley Digges Esq ^r	Philip Ludwell
James Blair Comm ^{ry}	Jn ^o Smith &
	Jn ^o Lewis, Esq ^{rs} .

Her Majesty by her letter dated the 31st of December 1705 having Signified her Royal pleasure that upon the first Vacancy happening in the Council Jn^o Lewis Esq^r should be forthwith sworne of her Maj^{ties} Council and restored & readmitted to his former place and precedence in the same. And Jn^o Lightfoot Esq^r one of her Majestys Council being lately dead the s^d John Lewis Esq^r came this day into Council and presented her Maj^{ties} said Letter which being read he was pursuant thereunto admitted of the Council having first taken the oaths appointed by act of Parliament to be taken instead of the Oaths of allegiance & Supremacy the oath mentioned in the act ent^d an act to Declare the alterations in the oath appointed to be taken by the act ent^d an act for the further Security of his Maj^{ties} person and the Succession of the Crown in the protestant Line and for the extinguishing the hopes of the pretended prince of Wales and all other pretenders and their open and secret abettors & Declareing the Association to be Determined Subscribed the Test and took the oath of a Councilor together with the Oath for the Due observation of the Laws relateing to the plantation trade.

Robert Carter and Henry Duke Esq^{rs} did Severally by letters make their excuse for not attending the Council

Pursuant to the resolution of the last Council for representing the Danger this Country and the trade thereof is exposed to for want of a guard Ship to Cruise on the Coast, Letters were this day prepared on that Subject to the Right hon^{ble} the Earl of Sunderland principall Secretary of State the Right hon^{ble} the Lords Commissioners for trade, to the Secretary of the Admiralty & to the Solicitor of the Virginia affairs and appointed to be Signed by M^r President in the name of the Council

W^m Byrd Esq^r Receiver Gen^l of her Majesties Revenues not being able to attend this Council by reason of his indisposition, Ordered that the Auditing & passing the Acco^{ts} be referred till the next Council.

The petition of Gawin Corbin Gent for a writt of *habeas Corpus cum Causa* to remove aprocess agst him from the County Court of Essex is referred to the Consideration of a fuller Council.

At a Council held at y^e Capitol
the 2^d day of September 1707

Present

The Hon ^{ble} Edmund Jenings Esq ^r Presid ^t	
Dudley Digges	Philip Ludwell
Benj ^a Harrison Esq ^r	W ^m Bassett
James Blair Comm ^{ry}	John Smith &
	Jn ^o Lewis Esq ^{rs}

Upon reading at this Board the petition of Sev^l Masters of Ships now within this Colony setting forth that Sev^l of their Ships have been Loaded some moneths agoe in expectation of a Convoy from England, but the said Convoy not being yet arrived it is very probable the same is Countermanded that your pet^{rs} Ships lying so long here is a great Charge to their owners their men begin now to be very sickly and their Cables by lying so long in the freshes are become rotten So that their staying away Longer in the Country must be to the manifest Hazard of their Shippes and y^e utter ruin of their voyages and therefore praying that the Embargo may be taken off and they Suffered to proceed in their voyage for England according to their Instructions from their owners since a Convoy at this Season of the year would be of small Service to them it being impossible for them to Keep Company with y^e s^d Convoy. The Council having taken y^e s^d petⁿ into Consideration together with her Maj^{ties} instructions for Continuing Embargoes Dureing y^e time of war. and being still in expectation that a Convoy will Speedily arrive according to y^e advices formerly sent from England or that some directions will be sent Concerning those Ships now in y^e Country are of opinion that y^e Embargo be Still Continued and that no Ships such as have her Majestys Lycence be permitted to Sail untill further order.

Ordered that the passing the acco^{ts} of her Maj^{ties} Revenues be further referred till y^e next Council there being no Ship of force now bound out by which they may be transmitted to England and y^e Convoy dayly expected.

Whereas this Board have rec^d Information that one Coll^o Pollock of the province of N^o Carolina wth sev^l armed men Inhabit^{ts} of y^t province did lately and in hostile manner sett upon the Maherine Indians Settlement and having taken 36 of the s^d Indians pris^{rs} kept them two dayes in a Forte till with the excessive heat and for want of water they were almost Destroyed after having broke down their Cabins & Committed sev^l other outrages threatening to Cutt up

their Corne and to turn them off their land. This board takeing into Considⁿ the ill Consequence of such unwarrantable proceedings not only as they respect y^e frightening the s^d Indians from their obedience to this her Maj^{ty}s Governm^t of Virg^a but irritateing the said Indians to revenge themselves as well upon her Maj^{ties} Subjects of this Governm^t as upon these of Carolina, It is therefore ordered that a lett^r be writt to y^e Deputy Gov^r or Presid^t & Council of N^o Carolina ascertaining her Maj^{ties} right to y^e land on w^{ch} y^e Maherine Indians now live & to app^t y^e said Deputy Gov^r or presid^t & Council the [that] y^e said Indians have their Dependance upon and are under the protection of this Governm^t assured to y^e Treatise of peace made by them & to desire y^e s^d Presid^t & Council not to molest y^e said Indians untill y^e matter of right Concerning the lands whereon they live be Determined.

Ordered that Coll^o Harrison send to y^e great men of y^e Maherine Indians and Caution them not to leave their Town upon any threatenings that may be made them by the Inhabitants of Carolina and to assure them that if any Disturbance be offered them by any person within that province the Council will take care to protect them and in y^e mean time to Caution y^e said Indians that they offer no provocation to y^e Inhabitants of Carolina.

Upon reading at this Board her Maj^{ty}s Royal Lett^r dated y^e 20th of March 1706/7 wherein it is directed that y^e Ship Oake of Liverpoole Jn^o Scasebrick Master be not Embargoed here but suffered to Deporte without Stopping for Convoy. It is ordered that notwithstanding the present Embargo the Collector Nav^l officer of York river be and they are hereby directed to clear y^e said Ship whenever the s^d M^r shall make application for the same pursuant to her Maj^{ties} pleasure Signified in y^e afores^d lett^r

John Crofts Gent late Deputy Collector of the lower District of James came before y^e Council & made oath to an acco^t of the Duty of a penny per pound of Tob^o exported to y^e plantations from y^e s^d District.

W^m Samborn by his petⁿ setting forth that he lent his horse to one Jn^o Price Jun^r to drive up Cattle y^t the s^d Price falling from y^e said Horse upon a Stump was unfortunately killed by reason of which the jury of Inquest found the pet^{rs} Horse to be a Deodand & therefore praying that in Consideration of the pet^{rs} age and poverty this being the only horse the pet^r hath the forfeiture thereof may be granted unto him. The Council being Satisfied of the Truth of the fact laid down in the s^d Petⁿ have therefore remitted the forfeiture of the said horse in favour of y^e pet^r

Ordered that a Commission be prepared for Jn^o Lewis Esq^r to be Commander in Chiefe of the militia of King & Queen County in the room of Coll^o Jn^o Smith.

The petⁿ of W^m Brown for *Supersedeas* to stopp the execution of a judgem^t obtained against him in Gloucester Co^{ty} Court at the Suit of Joseph Dunbar is rejected.

M^r Abraham Salle haveing in his answer to y^e Petition exhibited against him by Claude Phillipe de Richbourgh Min^r of the Manacin Town. It is ordered that y^e same be referred till the meeting of the

Council at y^e Gen^l Court when the s^d Richbough is ordered to attend.

The consideration of the claime of Jn^o Redwood and others for dyating the French Prisoners sent hither from Carolina is ref^d till the Gen^l Court.

At a Council held at the Capitol Oct^r 16th 1707

Present

	The Hon ^{ble} Edmund Jenings Esq ^r Presid ^t
Dudley Digges	Philip Ludwell
Benj ^a Harrison	W ^m Bassett
Jn ^o Custis Esq ^{rs}	Henry Duke
James Blair Comm ^{rys}	Jn ^o Smith &
	John Lewis Esq ^{rs}

Upon reading at this Board the petⁿ of sev^l Masters of Ships now lying loaden within this Colony setting forth that they have for sev^l moneths past expected the arrival of a Convoy to carry them for England or that according to the method of last years directions would have been sent for permitting their return with^t Convoy y^t their Ships are already exceedingly damaged by so long a Stay in y^e Country & y^r Cables so rotten that they very much fear they will not be able to hold their Ships in the stormy & blowing Season of the year w^{ch} is now approaching that there is not now any expectation of a Convoy & if there were that Convoy would be of no Service since it would be impossible for them at this Season to keep company together and that they conceive they are sufficiently secured from the danger of Privateers since it will be the midle or latter end of December before they arrive on the Coast of England when few Privateers would be able to live at the Season and therefore praying that they may have liberty to clear and proceed on their voyage to England this Board takeing the said petⁿ into consideration, and having likewise read & considered a letter from his Ex^{cy} the Gov^r of Maryland dated the 3^d of this moneth wherein he signifies that he had wth the unanimous advice of the Council there given leave to all the Shipps in that Governm^t to clear & proceed on their voyage to England if a Convoy should not arrive by the 15th current, and being very sensible that the detaining y^e Ships here any longer will be to the ruine of their voyage & a prejudice to her Maj^{ties} interest and that the experience of Fleets is a convincing proof that winter Convoys are of little or no Service for the defence & Security of trade and that sev^l Ships have already chosen rather to run away without clearing & to forfeit their bonds than undergo the afores^d hardships and that the rest have declared they should be under a necessity to do y^e like if leave be not given it being impossible to stop them their being no Guard Ship here therefore in humble confidence that her Maj^{ty} will be graciously pleased to dispence wth the Strict Execution of her Royal Instruction Concerning Embargoes in this Extraordinary case it is ordered that the Collectors and Naval officers of y^e respective districts have leave

to clear all Ships and Vessells that shall be ready to sail by the 25th of this inst. and that they signifie to the M^{rs} of the s^d Ships that they repair to the mouth of James river where they will be joined by sev^{ll} Ships from Maryland & after y^e 28th inst to proceed on their voyage for England keeping Company together as much as is possible.

Ordered that the Naval officers meet y^e Auditor on y^e 27th inst & make up their acco^{ts} of her Maj^{ties} Revenue of 2^s per hh^d port dutys & head money for the current half year.

October y^e 21st 1707

Present

The Hon ^{ble} Edmund Jenings Esq ^r President	
Dudley Digges	M ^r Comm ^{ry} Blair
Benj ^a Harrison	Henry Duke
Rob ^t Carter	and
Jn ^o Custis Esq ^{rs}	Jn ^o Smith Esq ^{rs}

Upon reading at this Board a representation in behalfe of the wife and children and [of] Mathew Farrell of Gloucester County who was lately killed by a fall from his horse that the s^d Horse being thereby become a deodand & valued together with the saddle by the jury of Inquest at fifty Shillings & the wife & children of the s^d Mathew being extream poor it was therefore prayd That the said deodand might be granted to them upon consideration whereof this Board do order & direct that the Coroner of Gloucester County restore the afores^d horse unto the Wife of the said Farrell for y^e use and benefit of her self & her s^d children

Francis Paggot by his Petition setting forth that about two years ago a Ser^{vt} boy belonging to Cap^t Coleman of the County of Essex was killed by a certain mare in the said County which mare never had been seized by the Coroner hath after sev^{ll} Sales to Sundry persons lately became the property of y^e pet^r & praying that the s^d Mare being forfeited to her Maj^{ty} as a Deodend may be granted to the pet^r and he secured in the possession thereof from the Claime of the Coroner and all others for the future, It is thereupon y^e opinion of this Board that y^e said Deodend being of small value be granted to y^e pet^r of w^{ch} the Coroner of the said Co^{ty} and all others concern'd are to take notice.

This day M^r Presid^t lay'd before this Board the sev^{ll} Depositions taken in North Carolina and transmitted hither by the Presid^t & Council of that Province relating to the boundarys between this her May^{ties} Colony & that Province upon inspection whereof there appears sev^{ll} manifest mistakes of matter of fact which can be clearly contradicted by the Testimony of the most ancient inhabi^{ts} of this Colony well acquainted wth these bounds for the better clearing the truth in y^e premises it is ordered that a Commission issue directed to Benj^m Harrison jun^r Esq^r Speaker of the House of Burg^s, Major Arthur Allen, Coll^o Jn^o Hardiman, Maj^r Jos: Wynne, Cap^t Jn^o Poythres

& Cap^t Francis Mallory or any two of them to examine upon oath such ancient inhabit^{ts} of the Countys of Prince George, Surry, Isle of Wight & Nansemond as can give testimony concerning the bounds between this Colony & N^o Carolina or concerning any matter or thing relateing thereto, and also to take the relations of such ancient Indians among the Nottoway's Maherrines & Nansemonds as they think pertinent for discovering the truth in relation to the said Bounds.

Simon Kilcrease being pursuant to an order of the Board bound over to answer the compl^t of the Tuscaroro Indians against him for Killing one of their nation and now appearing accordingly upon examination of said Complaint and hearing the said Kilcrease it appearing to this Board not only that the said Indian was the first agressor but that the said Kilcrease having been Endicted for the same fact hath been acquitted thereof by the grand jury It is therefore ordered that the s^d Kilcrease be dismissed from his present Attendance on acco^t of y^e s^d compl^t.

October the 22^d 1707

Present

The Hon ^{ble} Edmund Jenings Esq ^r Presid ^t	
Dudley Digges	Philip Ludwell
Benj ^a Harrison	W ^m Bassett
Rob ^t Carter	Henry Duke
Jn ^o Custis Esq ^{rs}	Jn ^o Smith &
M ^r Comm ^{rs} Blair	W ^m Churchill Esq ^{rs}

On the Petition of Jn^o Lomax ordered that a *Supersedeas* be granted him to stop the execution of a judgem^t of Essex County Court obtained against W^m Tomlin Sherif of the s^d County for y^e non appearance of the s^d Lomax at the suit of Jn^o Hawkins & all other proceedings in the s^d judgem^t. The pet^r giving security for prosecuting the said *Supersedeas* wth effect.

The petⁿ of Arthur Allen Gent Naval officer of the upper District of James river praying leave to rectifie a mistake in his last acco^t made up with y^e Aud^r for the duty of 15 per tunn is referred to her Maj^{ties} Aud^r and Receiver Gen^l to consider their opinion & reporte their opinion therein.

M^r Aud^r Digges moving for directions for his better Guidance in the Sale of her Maj^{ties} Qu^{tt}rents. It is the opinion of the Council that the Aud^r and Receiver Gen^l dispose of the said Quittrents in the best manner they Can either by inch of Candle or otherwise as they shal find most Conducive to the advancem^t of that revenue.

On the petⁿ of Mary Hipsley Oath being made by M^r Briton her Attorney y^e Court of Westmoreland County denyed the pet^r on appeal in an information exhibited against her by the Churchwardens of Copley Parish Ordered that a *superseades* be granted her [to] stop y^e execution of y^e judgment on y^e s^d Information the pet^r giving Security for prosecuting the same wth effect.

October the 24th 1707*Present*

The Hon ^{ble} Edmund Jenings Esq ^r Presid ^t	
Dudley Digges	Philip Ludwell
Benj ^a Harrison	W ^m Bassett
Jn ^o Custis Esq ^{rs}	Henry Duke
M ^r Com ^{ry} Blair	Jn ^o Smith
	W ^m Churchill Esq ^{rs}

On the Petition of Jn^o Freeman setting forth that when the Blackwater Land was laid open he made an Entry wth Rob^t Bolling Surveyor of the County of Prince George for 300 acres of land beginning at Coronesus Swamp thence running up y^e Swamp on y^e backside of his own line to include the Compliment as by the said entry may appear but upon running the dividing line between Surry and Prince George's Countys that land is found to be within the County of Surry And since the said Entry is not Contraverted nor Claimed by any other person he therefore prayed an order to the Surveyor of Surry to lay out the same. Ordered that the Surveyor of Surry lay out the said Land according to the afores^d Entry the pet^r producing Rights for y^e same according to law.

Ordered that an humble address to her Maj^{ty} on the occasion of the union of her Maj^{ties} Kingdoms of England & Scotland and an address was prepared accordingly.

On reading at this Board the petⁿ of Maj^r Arthur Allen Naval officer of the upper District of James River praying leave to give himself credit in his present account for a mistake in his last Aud^t in the Tunnage of the Ship Prosperity of New York W^m Lawrier M^r he having charged himself with the whole Tunnage of the s^d Ship whereas She came in here half laden This Board having considered y^e said petⁿ with y^e reporte of her Maj^{ty}s Aud^r & Receiver Gen^l thereupon the s^d mistake appearing to be done by inadvertency are of opinion and accordingly ordered that the pet^r be allowed to rectifie y^e said mistake and that he give himselfe Credit for the same being 9:17:6: in his present acco^t & the Aud^r and Receiver Gen^l are to allow y^e same accordingly

October the 25th 1707*Present*

The same as Yesterday

Whereas Henry Collins Merchant hath represented to this Board that he bought 54 hh^{ds} of Tob^o in Accomack & paid y^e duty of 2^s per hh^d to the Naval officers there and afterw^{ds} bringing the said Tob^o into York District in order to be shipped for Bristoll on Board a Ship in that river the Naval officer of that District obliged him to pay the said Duty over againe & praying to be relieved in the premises It is the opinion of the Council & accordingly ordered that the Naval

officer of York District permit the said Collins to ship the like number of 54 hh^{ds} of Tobacco upon producing to him the Certificate of the Naval officer of the Eastern Shore for the Tobacco abovementioned & first making oath before Coll^o Churchill one of her Maj^{ty}s Council that he paid double duty for the same.

Whereas M^r Presid^t Jennings hath att former Councils acquainted this Board that he claimed one half of the Salary perquisites payable to the Gov^r of this Colony pursuant to an order of his Maj^{ty} King Charles the Second bearing date y^e 10th day of December 1682 whereby his Maj^{ty} is pleased to Signifie his Royal will & pleasure that when it shall happen that the Gov^r in chiefe shall be absent from this Colony one full moiety of the Sallary and of all perquisites & emoluments whatsoever which would otherwise become due unto him during the Time of his absence shall be paid and satisfied out of the revenue of 2^s per hh^d upon Tobacco unto such Lieu^t Gov^r or Commander in Chiefe who shall be resid^t upon the place, for his better maintenance and supporte of the dignity of the Governm^t and M^r Pres^t having this day moved that pursuant to y^e said order a warr^t may be prepared for payment of the s^d Sallary unto him as Comm^{dr} in Chiefe since the death of his Excellency Edw^d Nott Esq^r her Maj^{ties} late Gov^r the Council are thereupon of opinion that for as much as before this order came to their knowledge by their Letter to the right hon^{ble} Lords Comm^{rs} for Trade bearing Date y^e 26th of October last past they humbly prayed their Lordships Directions what Sallary ought to be allowed to the President on this occasion they therefore judge it not proper to determine that matter till their Lordships have Signified their directions therein At the same declaring it is their opinion that the delay ought not prejudice M^r Presid^t of his just pretensions to his Sallary that upon the first Significations of her Maj^{ties} pleasure therein he ought to have warr^{ts} past for so much as shal then be due unto him without staying the usual time of the Audit.

Whereas one Jeremiah Pate of New Kent County was on or about y^e 14th of this inst. barbarously murdered by sev^{ll} Tuscarora Indians by name Charles, Tom Jumper, Stephen, George, Jack Mason & Will Mason as appears by one of the Examination of one of the said Tuscarora Indians now in Custody & whereas the aforementioned Indians & five more who were in Company wth them being apprehended made their escape from the House of Cornet Winston in the afores^d County of New Kent, for the better apprehending of the said murderers, It is ordered that the Commanding officers of the Militia in y^e Countys of New Kent, King W^m, Henrico, Prince George & Surry be and they are hereby respectively required forthwith to cause a sufficient number of the militia of those Co^{ty}s to range on the frontiers of the same & to use their utmost diligence to seize and apprehend the said Tuscarora Indians as well those guilty of the fact as afores^d as those other five in Company wth them and being so apprehended to Committ to the prison of the respective Counties and also to secure their arms & ammunition until further order & upon such Committment forthwith to certify the same to the Presid^t of her Maj^{ties} Council for further directions therein.

Ordered that the Tuscaruro Indians seiz^d in New Kent County be committed to y^e Prison of the said County and that the armes, ammunition and Skins belonging to the other Indians that were taken be secured untill further order.

Whereas Major Nathaniel Harrison hath this day offered his Service to go to the Nottoway Indian Town in search of the Tuscaruro Indians who committed the murder on y^e body of Jeremiah Pate of New Kent County It is therefore ordered that y^e s^d Maj^r Harrison have Power to take under his Comm^d so many of the Militia of Surry County as he shall think Convenient for the better apprehending the s^d murderers and forasmuch as Maj^r Joshua Wynne of Prince George's County is well acquainted wth y^e s^d Tuscaruro Indians This Board do desire him to accompany Maj^r Harrison to y^e s^d Nottoway Town for the better Discovery of such of the Tuscaruro's who have been concerned in the afores^d murder.

Whereas a Barbarous murder hath lately been committed by sev^{ll} Tuscaruro Indians on the body of Jeremiah Pate of New Kent County and it being found that the Lycence those Indians have lately taken of Coming among the Inhabitants so frequently is occasioned by the encouragem^t they find from sev^{ll} people who for their own private interest harbour & entertain the s^d Indians & furnish them wth Guns Powder & Shott and sell them rum and other strong Liquors w^{ch} gives rise to many quarrels for the prevention whereof for the future. This Board do strictly require and command that [no] person whatsoever presume to harbour or entertain in their houses, any Tuscaruro or other forreigne Indian or to furnish them wth Gunns, Powder or Shott in order to hunt wth in or near any of y^e inhabitants of this Colony, nor to sell to or furnish the said Indians wth any rum or strong Liquor under Paine of being prosecuted for the same wth the utmost Severity of the Law. And ordered that publication hereof be made in all Churches Chappells and Court-houses within the Countys of King W^m, New Kent County, Henrico, Prince George, Surry, Isle of Wight, Nansemond.

October y^e 29th 1707

Present

The Hon ^{ble} Edmund Jenings Esq ^r Presid ^t	
Dudley Digges	Philip Ludwell
Benj ^a Harrison	W ^m Bassett
Rob ^t Carter Esq ^{rs}	Henry Duke
M ^r Com ^{rs} Blair	Jn ^o Smith &
	W ^m Churchill Esq ^{rs}

Ordered that a Proclamation issue for prorogueing the Gen^{ll} Assembly to y^e 10th day of February next.

Whereas two of the Six Tuscaruro Indians guilty of the murder of Jeremiah Pate of New Kent County together wth two of the other

Indians who were in Company wth them are apprehended and Committed to the Prison of the s^d County It is ordered that the Sherif of New Kent County Cause the said Indians together wth the Indians formerly apprehended to be conveyed wth all convenient speed to the publick goal at W^msburg.

Ordered that all such of the Tuscaruro Indians guilty of the murder of Jeremiah Pate of New Kent County as shall be apprehended be Committed to the publick Goal at W^msburg in order to be brought to tryal for the crime whereof they stand accused and that such others of the Tuscaruro Indians as were in comp^a wth the said Murderers be likewise Committed to the s^d Goal in order to be made use of as witnesses on the afores^d Tryal and that the Sherifs of the respective Counties where the s^d Indians shall be apprehended take care to Convey the s^d Indians to the afores^d Goal accordingly

Ordered that a Commⁿ of Oyer & Terminer issue directed to Dudley Digges, Philip Ludwell, W^m Bassett & Henry Duke Esq^{rs} of her Maj^{ties} Hon^{ble} Council, Benj^a Harrison j^r Esq^r Speaker of the House of Burgesses, Miles Cary, Arthur Allen W^m Buckner, Joseph Foster, Nich^o Merriwether, David Bray, Geo: Marable & Joshua Wynne Gent or any five of them whereof any of Members of the Council to be one to try such Tuscaruro Indians as shall be brought before them for the murder of Jeremiah Pate and that the said Tryal begin at the Capitol on the 19th of November next and that M^r Attorney Gen^l do manage the s^d Tryal on behalf of her Maj^{ty}.

Ordered that Chichley Corbin Thacker, George Clough and W^m Robertson Gent attend as Clerks on the Tryal of the Tuscaruro Indians for the murder of Jeremiah Pate.

Ordered that a writ of *Venire Facias* issue to the Sheriff of New Kent County to summon Six freeholders of the vicinage next to the place where the Crime was Committed to pass upon the Tryal of the Tuscaruro Indians for the murder of Jeremiah Pate of the s^d County.

Ordered that the justices of New Kent County give directions to their Sheriff to Summond such persons as they shall judge to be Material Evidences to appear before her Maj^{ties} Comm^{rs} of Oyer and Terminer at y^e Capitol on y^e 29th day of November next to give Testimony agst sev^l Tuscaruro Indians suspected of the murder of Jeremiah Pate of the afores^d County.

Ordered that the Sherif of York & James City Countys attend the Comm^{rs} of Oyer & Terminer for Tryal of the Tuscaruro Indians.

Ordered that Henry Briggs Interpreter go to the King or Chiefe of the Tuscaruro Indians & acquaint them that sev^l of their Nation have lately committed a barbarous murder on the body of Jerem: Pate at the head of Pamunky river and that some of the s^d murderers are since Taken and will be tryed for the fact afores^d at the Capitol on y^e 19th of November next and that the Presid^t and Council of this her Maj^{ties} Colony are desirous that they should send of their great men to be present at the s^d Tryal to be witness of the fareness and equity of the Proceedings therein and further to acquaint y^e s^d Tuscaruro Indians that in case any of the murderers are fled back to their Towns that they Cause them forthwth to be seized and delivered

up to the Government of Virginia to be prosecuted and punished according to the Laws of this Country And for the better enabling the s^d Briggs to performe the Services hereby required of him, he is hereby directed & empowered to employ any persons as he shall judge most capable to accompany him to the said Tuscaruro's and to take in writing the answers that shall be given him in relation to the premisses, of which he is to return a true acco^t to the hon^{ble} the President before the day appointed for the Tryal.

Ordered that the Interpreters to the Nottoway, Meherine, Nansemond, Pamunky and Chicahominy Indians attend the Comm^{rs} of Oyer & Terminer for tryal of the Tuscaruro Indians at the Capitol on the 19th day of November next, and that they bring with them two of the Great men of the respective nations to be present at the s^d tryal. And that Henry Briggs Interp^{er} to y^e Southern Indians be allowed to imploy such as he shal think fitt to acquaint them herewith because of his own necessary absence to give Notice to the Tuscoruros.

Ordered that the Sherifs of York & James City Countys respectively summon twelve Freeholders out of each of the said Countys to appeare at the Capitol on the 19th of November next to be sworne a Grand Jury for the tryal of certain Tuscoruro Indians.

Ordered that such arms & other things as were taken with the Tuscoruro Indians be sent down to Williamsburgh & lodged with the keeper of the publick Goal.

On the Petition of Coll^o Gawin Corbin Naval officer of Rappahannock River setting forth that several masters of Ships in that District have lately departed notwithstanding the Embargo, and without clearing with the pet^r whereby he is incapable of making up so particular an account of their Lading as he ought to do, But that nevertheless most of them being old Traders, with the acco^{ts} that have come to his hands he is in a great measure enabled to render an acco^t of their Lading, and will use what means shal be directed to perfect y^e s^d acco^{ts} if any defect shal hereafter appear therein. And praying that in the mean time M^r Auditor may accept of these acco^{ts} as they are together with the acco^{ts} of the other Ships in that District that have been duly cleared. Ordered that M^r Auditor receive the s^d Gawin Corbin's acco^{ts} of the Ships that are duly cleared. And for such as have departed without clearing that the said Corbin make up an accompt thereof as far as he can & be obliged to perfect the same as soon as he shal come to a certain knowledge of their lading.

Ordered that Coll^o Gawin Corbin Naval officer of Rappahannock River return to y^e Council office the embargo bonds given by Lewis Powe M^r of the Constance of Whitehaven, Richard Mosser M^r of the Peace of Whitehaven, W^m Smith M^r of the Patience of Whitehaven, Charles Skelton M^r of the Europe of Whitehaven M^r of the Rappahannock Merchant of Leverpoole and W^m Hancock M^r of the Dolphin of Leverpoole lately run away from that district without clearing, that the said Bonds may be put in Suite if the Masters return into this Colony.

October the 30th 1707

Present

The same as Yesterday

The following Warrants on the Receiver General to be paid out of her Maj^{ty}s Revenue of 2^{sh} per hogshead &c were this day Sign'd in Council viz^t

To the Gentlemen of her Majestys hon^{ble} Council half a years Salary ending the 25th instant one hundred seventy five pounds.

To William Blathwayt Esq^r Auditor & Surveyor Gen^{le} of America half a years Sallary ending y^e same time fifty pounds.

To Nathaniel Blackiston Esq^r Sollicitor of the Virginia affairs half a years Sallary ending y^e same time fifty pounds.

To Stephens Thomson Esq^r her Maj^{ty}s attorney General half a years Sallary ending the same time twenty pounds.

To William Robertson Clerk of her Majesty's Council half a years Sallary ending the same time twenty five pounds.

To Edward Ross Gunner at James City half a years Sallary ending the same time Seven pounds ten Shillings.

To M^r Com^{ry} Blair for so much paid several ministers for their attendance this General Court five pounds.

To William Robertson Clerk of the Council for several Contingent charges & Expresses this last half year Twenty five pounds three Shillings & three Pence.

To W^m Robertson Clk of the Council for so much paid & advanced by him for the diet & accomodations of the French Prisoners sent hither from South Carolina Seventy five pounds Six Shillings. And also

To M^r Commissary Blair half a years Sallary out of the Quittrents fifty pounds, and

To Stephens Thomson Esq^r Attorney Gen^{le} half a years additional Sallary out of the Quittrents thirty pounds.

On reading this day the Petition of Claude Philippe de Richebourg Minister at the Manakin Town complaining against Abraham Sallé for insulting him while he was in the Pulpit on Sunday the 30th day of March last, with M^r Sallés answer thereto, and upon a full hearing of poth partys thereupon, It is y^e opinion of the Council that the complaint of M^r Philippe is groundless & vexatious & ordered that y^e same be dismiss.

Whereas Claude Philippe de Richebourg minister and other inhabitants at the Manakin Town by their Petition exhibited to this Board complained that the Vestry of the said Parish was never legally chosen and praying that since the Assembly have ordered their Settlement into a Parish they may be admitted to make choice of a Vestry in y^e same manner as other Parishes according to the Constitution of England & this Country and that the present vestry may be dissolved This Board having read & considered the allegations of the said Petition together with the answer of M^r Abraham Salle on behalf of the Vestry and having fully heard both partys are of opinion that it hath been fully made out by the vestry book of the s^d Parish of

Manakin Town that the present vestry were fairly & legally chosen in April 1703 by the plurality of Voices of the whole parish, And that the said Election was duly published three several Sundays in the Church of the said parish, and that eight of the persons then chosen have qualifd themselves by taking the Oaths to the Government &c according to Law. And therefore the said Vestry are hereby Declared to be the Lawful vestry of the said parish. And whereas three of the vestrymen then chosen and Surviving have refused to qualify themselves by taking y^e Oaths as the Law enjoins, It is ordered that M^r Salle as a Justice of the peace tender y^e said Oaths to every of them and in case of their Refusal that then the remaining Vestrymen qualifed as aforesaid have power to elect others in the room of those so refusing. And to the end that all the parishioners at the Manakin Town may have notice hereof It is ordered that this Order be published in the Church of the said Parish by the Clerk immediately after Divine Service.

On the motion of M^r Attorney Gen^{le} ordered that he direct such process as he shal judge proper for the more regular proceedings on the tryal of the Tuscoruro Indians for the murder of Jeremiah Pate. And that M^r John Clayton be appointed to assist M^r Attorney on the s^d tryal.

October the 31st 1707

Present

The same as Yesterday

The accompts of her Majestys Revenue of Quittrents for the year 1706 was this day presented in Council by her Maj^{ty}s Auditor and Receiver General, and after Examination thereof, W^m Byrd Esq^r her Majestys Receiver General having made Oath thereto It was passed in Council and certified by M^r President in the usual form.

The accompts of her Majesty's Revenue of two Shillings per hogshead Port dutys & head money from the 29th of August 1706 to the 25th of April 1707 was presented by her Majestys Auditor & Receiver General, and after Examination thereof in Council (W^m Byrd Esq^r Receiver General having made oath thereto) the same was Certified by M^r President in the usual form.

Ordered that it be an observation on this Journal that the accompt of Coll^o Rich^d Lee Naval officer of Potomack not being sent in time (by reason of his remoteness and the short time of notice) is not included in this last accompt of her Majestys Revenue, and that is be charged in the next accompt.

Arthur Johnson being convicted this General Court for the felonious stealing a horse and sentence of death passed on him On the humble petition of the said Johnson It is the opinion of the Council & accordingly ordered that he be transported to one of her Maj^{ty}s plantations in the West Indies, and there sold as a servant for seven years.

Whereas it was moved for further consideration whether it be safe to send the Interpreter or any other Englishman to the Tuscoruro Indians to give them notice of the tryal of Certain of their

Nation for the murder of Jeremiah Pate, some five of the Indians concerned in the said murder are fled thither. It is ordered that it be left to Coll^o Harrison (as being best acquainted with the temper of the Indians) to direct the Interpreter to pursue the former order or to give notice to the Tuscoruros by some of the Tributary Indians as he shall think most safe & convenient.

November the 1st 1707

Present

The same as Yesterday

The Minutes of Council from the 30th of April last to this day were read over at the Board and approved. On the petition of Thomas Wynne and Henry Jones setting forth that sometime since they did enter for five hundred acres of land lying on a Swamp called the Cabbin Shick Swamp on the South side of Nottoway River, which Entrys did somewhat interfere so that the Land could not be Surveyed till that difference were adjusted, and accordingly they did agree among themselves there being Land enough for them both, but before that agreement the dividing Line between the Countys of Surry & Prince George being run that Land appeared to be in the County of Surry & praying an order to the Surveyor of Surry to lay out the said Land for them according to their agreement, It is thereupon ordered that the Surveyor of Surry County lay out the said Lands for the petitioners according to their Agreement they providing legal Rights for the same.

Whereas the Negros belonging to Henry Whittaker late of Warwick County a felo de se have upon tryal this General Court been found to be forfeited to her Majesty, It is ordered that her Majestys Auditor & Receiver General cause the said Negros to be publickly sold by auction & that the money arising by such Sale be accounted for to her Majesty's use.

Henry Hayward Junior Administrator with the nuncupative Will annexed of Robert Crowcher (an infant of eighteen years) and Legatee of the said Robert by his petition setting forth that the father of the said Robert sometime before his death made his will & appointed one Henry Whittaker (since found a felo de se) his Executor of his last will & Testament, by vertue whereof the said Henry possesst himself of all the personal Estate belonging to the father of the said Robert & dyed possessed thereof, and thereupon the officer for her Majesty having seized the whole personal Estate and what other was found to be in the possession of the s^d Henry as forfeited The Petitioner humbly prayed an order to the s^d officer to pay unto him (out of the Estate so seized) the sum of Twenty eight pounds four shillings and six pence being the said Roberts Estate or proportion of his fathers Estate in the hands of the said Henry at the time of his Death. The Council taking the said petition into consideration are of opinion & accordingly Order that the Claime of the Pet^r as Admin^r & Legatee of the said Crowcher so far as he shal make appear to her Majestys Auditor to be justly due to him, be paid and Satisfy'd by the said Auditor to the petitioner out of the money arising by the sale of the said Whittakers Estate seized into her Majestys hands.

At a Council held the 21st of November 1707

Present

The hon^{ble} Edmund Jenings Esq^r President
Dudley Digges M^r Com^{ry} Blair
Benj^a Harrison Esq^{rs} Philip Ludwell &
John Smith Esq^{rs}

This day was read in Council a Representation from the Comm^{rs} of Oyer and Terminer appointed for tryal of the Tuscoruro Indians for the murder of Jeremiah Pate of New Kent County wherein they set forth that finding but two of the Criminals are apprehended tho several other were concerned in the same Offence, and that understanding a Message hath been sent to the Tuscoruro Indians to demand the other murderers and to give the Great men notice that they might be present at the Tryal but no answer being yet returned They therefore submitt it to the consideration of this Board whether it be not more expedient to delay putting the said Commission in execution till further order. Upon reading whereof Coll^o Harrison acquainted the Board that the Messengers sent to the Tuscoruros returned last night, and brought word that some of the Great men would be in within two days and would bring in one of the murderers with them the other three not being in their Towns

Whereupon it is the opinion of the Council that the Tryal of those Indians be put off till further time. And Ordered that a New Commission issue for tryal of the Tuscoruro Indians for the murder of Jeremiah Pate on the 8th, 9th, 10th, 12th, 13th, 14th, 15th, 16th & 17th days of January or any of the said days. And ordered that M^r Thomas Barber, M^r Henry Tyler & M^r Frederick Jones be added with the former Justices appointed on this Tryal.

Ordered that in case the Tuscoruro Indians shal come in and bring with them any of the Suspected Murderers of Jeremiah Pate that such suspected persons be forthwith sent to the publick gaol at Williamsburgh and that it be left to Coll^o Harrison to give Suitable directions therein, to whom this Board do also recommend to acquaint the said Tuscoruros that upon their application the Council are willing to hearken to such reasonable terms as they shal propose for preventing and punishing any murders or injurys that may hereafter be done on either side, and for continuing their friendship & amity to the said Indians for the future.

Whereas it seems dangerous at this Juncture to permit any powder or shott to be carryed or sold to the Tuscoruro Indians untill the said Indians have given due Satisfaction to this Government concerning certain of that nation who lately committed a murder in this Colony & are fled to their Towns. It is therefore Ordered that the Clerk of the Council write to the respective Indians Traders not to furnish those Indians with powder or shott till after the tryal which is appointed the Eight of January next.

Ordered that such Tuscoruro Indians as shal be made use of as Evidences be after the tryal safely conducted to Coll^o Harrison and permitted to depart to their own nation without further trouble

At a Council held at the Capitol the 4th day of february 1707 [1707/8]

Present

	The hon ^{ble} Edmund Jenings Esq ^r President
Dudley Diggs Esq ^r	Philip Ludwell
James Blair Com ^{rs}	John Smith &
	John Lewis Esq ^r

Ordered that a proclamation issue proroguing the General Assembly to the 27th of April next & a proclamation was prepared accordingly.

Whereas the tryal of the Tuscoruro Indians for the murder of Jeremiah Pate w^{ch} was appointed to have been on the Eight of January last, was disappointed through the extreme badness of the weather, w^{ch} hindered the meeting of the Comm^{rs} Interpretors and others concerned It is therefore ordered that a new Commission issue directed to y^e same persons formerly appointed (with the addition of Coll^o Thomas Ballard) to try the said Indians to commence on the 19th of this present moneth, and so to continue untill the said Indians Suspected of the aforesaid murder be all tryed And ordered that the Clerk of the Council issue the like Orders for the attendance of the Sherifs Clerks Venire Jurors & Witnesses as have been formerly issued on this occasion.

Ordered that the Gaoler take care that none of the Great men of the Tuscoruro Indians nor any other Indians whatsoever be permitted to have any discourse with the Indian Evidences to be made use of at the tryal of the Suspected murderers of Jeremiah Pate untill they have given their Testimonys on the said Tryal.

Ordered that the Sherifs of the Countys of James City, New Kent and York return to the Council office a true List of the names of such persons as have been Summoned by them to serve on the Grand or Petty Jury or as Evidences on the tryal of the Tuscoruro Indians for the murder of Jeremiah Pate to the end this Board may recommend them to the General Assembly for an allowance for their trouble.

Whereas it hath been represented to this Board that the Wreck of the Ship Bristow burnt in the road at Tindalls Point in York River is become very dangerous for Ships coming into that Road, the Mast of the said Wreck w^{ch} served as a Beacon being lately carryed away by the Sea: It is thereupon recommended to Dudley Diggs Esq^r, Coll^o Miles Cary & Major William Buckner to advise with the Masters of Ships in that River and accordingly to cause a Buoy or Beacon to be fixed on the aforesaid Wreck for preventing any danger that may be thereby occasioned to Shipping, and Report their proceedings to the Council that the Charges thereof may be paid.

The Petition of James Bray Owner of the Ship Angelica for leave to clear out for England is referred till a fuller Council

At a Council held at the Capitol the 18th day of March 1707 [1707/8]

Present

The hon^{ble} Edmund Jenings Esq^r President

Dudley Diggs

William Bassett

Benj^r Harrison Esq^{rs}

Henry Duke

M^r Commissary Blair

John Smith &

Philip Ludwell Esq^r

John Lewis Esq^{rs}

Upon reading at this Board a Representation from the Commissioners of Oyer & Terminer appointed for tryal of the Tuscoruro Indians Setting forth that upon Tryal one Jack Mason a Tuscoruro Indian had been convicted before them of the murder of Jeremiah Pate, and sentence of Death passed on him, but they being of opinion that the evidence ag^t him did not amount to a legal proof of the fact laid ag^t him humbly Submitt to the consideration of this Board how far the s^d Jack Mason may be a proper Object of mercy. The Council having duly considered the said Representation are unanimously of opinion that the said Indian be repriev'd till the last day of April.

Whereas it was alledged by Jack Mason on his tryal that he was at Coll^o Hills quarter all that day and night on which Jeremiah Pate was killed It is recommended to the hon^{ble} Collonel William Bassett to make Enquiry into the truth thereof, & to take or cause to be taken just informations upon Oath in relation thereto as may make the truth manifest to this Board, and that he make Report of his proceedings at the General Court that this Board may be satisfied whether the said Jack Mason be a proper object of mercy.

Ordered that a Message be sent to the Toscoruro Indians to demand the delivery of Charles, Stephen & Will Mason three of their Nation Suspected of the murder of Jeremiah Pate & not yet apprehended, and that the said Indians be acquainted that this Board are certainly informed that the said murderers are harboured amongst them & that unless they do forthwith send them in or give due satisfaction that they are not in any of their Towns, This Government will take measures for obtaining y^e s^d Indians by force And it is recommended to the hon^{ble} Coll^o Harrison to employ such messenger or messengers as he shal think most proper for this purpose.

Ordered that the messengers formerly sent to the Tuscoruro Indians and those that shall be now sent thither by Coll^o Harrison be at present paid out of her Majestys Revenue for their trouble & that it be recommended to the General Assembly to reimburse the said Charges.

Ordered that a supply of arms & ammunition be sent to the County of New Kent and King William and lodged in such manner as may be most usefull for the defence of those Countys ag^t the Indians.

Whereas it hath been represented that there was some publick Powder lodged in the hands of Coll^o Lancelot Bathard late of New Kent County deceased, which hath since his death been disposed of by Leu Coll^o Joseph Foster & M^r Joel Croome It is recommended to the hon^{ble} Coll^o William Bassett to enquire into the same and make report ag^t the next General Court that the s^d Coll^o Foster &

M^r Croome may be made accountable for the said Powder or the produce thereof. And it is also recommended to Coll^o W^m Bassett to enquire how the barrell of Powder delivered to Coll^o John West deceas'd for the use of King William County hath been disposed of.

Several Petitions being this day presented to the Council by Sundry Masters of Ships now laden within this Colony Setting forth the hardships they must be exposed to, if they are forced to wait for a Convoy and praying leave to sail to New England and take the benefite of the Convoy for the Mast Fleet: Upon consideration whereof this Board are of opinion that the liberty desired being contrary to her Majestys Instructions, and that the London Fleet is daily expected, by wh^{ch} there is no doubt necessary orders will be sent concerning the Ships that are now in the Country Therefore they do not think it proper to grant the said petition.

On reading this day in Council the Complaint of Henry Hayward Sen^r, John Doswell and others Vestrymen of Charles Parish in York County ag^t Thomas Nutting and others Vestrymen of the said Parish for opposing M^r Thomas Cheesmans and M^r Robert Shields voting in the s^d Vestry at the meeting appointed for advising of the repairing or building a Church And upon hearing the allegations of both the said partys in Council This Board are of opinion that the present Constitution of the said Vestry is irregular & illegal And for removing all differences that have or may arise in the said Parish by continuing the said Vestry It is ordered that a new vestry be fairly and legally elected & chosen by the Freeholders and householders of the said Parish or the Major part of them, who are hereby appointed to meet for that purposc at the Church of the said parish on Easter Monday next And to the end all persons concerned may have due notice of the time and place of the said Election It is ordered that M^r James Slater Minister of the said parish make or cause to be made open publication hereof in the said parish church immediately after Divine Service each Sunday between the date hereof and the date of Election: And for the more regular proceeding on the said Election It is ordered that W^m Barbar Gent Sherif of York County attend and take the poll, And the persons thereupon Elccted are hereby enjoined before they enter upon their office respectively to take the Oaths directed by Law and to Subscribe to be conformable to the Doctrine and Discipline of the Church of England which Vestry being so chosen and qualify'd are together with the Min^{ster} to be thereafter deemed and accounted the vestry of the said parish.

David Wharton Owner and Master of the Shallop Swan of North Carolina by petition setting forth that he imported into Accomack District in the said Shallop thirteen hundred pounds of Logwood forty pounds of Cotton some reads and Matts which he brought from Pamlico in North Carolina and had a Certificate of his haveing duly entered and cleared the said goods there with the Collector and Naval Officer, That he entered his said Shallop and goods with M^r Henry Scarburgh Collector of Accomack and obtained a permitt to land and dispose of the said goods as he thought fitt but in a small time afterwards the said Scarburgh made seizure of the said Shallop and

goods upon what pretence this pet^r knows not and praying Relief therein. This Board haveing then taken the said petition wth the Certificates produced by the Pet^r into consideration do hereby order that the said Wharton do give bond with good Security to the said Henry Scarburgh Collector aforesaid for her Majestys use in the sum of twelve pounds Sterling to appear before the hon^{ble} Gen^l Court on fifth day thereof to answer what shall be objected against him by the said Scarburgh and to stand and abide the award of the Court therein. And upon such bond the said Henry Scarburgh deliver to the said David Wharton the aforesaid Shallop with all her furniture tackle and apparrell and the goods seized as aforesaid to be disposed of at his pleasure

At a Council held at the Capitol the 15th day of April 1708

Present

The Hon ^{ble} Edmund Jennings Esq ^r , President	
Dudley Digges	William Bassett
Benjamin Harrison	Henry Duke
John Custis Esq ^{rs}	John Smith
James Blair Com ^{rs}	John Lewis
Philip Ludwell	William Churchill Esq ^{rs}

This day M^r President acquainted the Council that Captⁿ Charles Stewart in her Majestys Ship the Garland was arrived to attend this Government as a Guard Ship and communicated to them a Copy of the said Captⁿ Stewarts orders from his Royal Highness Prince George of Denmark Lord high Admiral &c. And the said Capt Stewart being called into Council and asked if he had any thing to propose for her Majestys Service wherein he may want the assistance of this Government laid before the Council the following Demands viz

That he may have orders to careen and clean her Majestys said Ship under his command she being at present very foul and incapable of doing that Service against Privateers as he would if clean and that he may be assisted with Caulkers for the more expeditious carrying on that work. That a Sloop be bought or hyred to serve the said Ship as a tender (as has been usual for other Guard Ships here) for watering the said Ship and if Occasion be, that, he may man her out for chaseing small Privateers in shoal water where her Majestys said Ship cannot so conveniently come. And that a house be provided at the Charge of the Government for the accomodation of the sick men of her Majestys said Ship. Which Proposals being severally considered The Council come to the following Resolutions thereon viz

That it is not convenient at this time to careen her Majestys Ship the Garland because so much time must necessarily be spent as will disappoint the Service she was intended for, the Enemys Privateers being most numerous about this time of the year and will have great Oppourtunities of intercepting our inward bound Ships that are now daily expected And therefore the Council are of opinion that the Careening her Majestys Ship be delayed till the arrival of the London

Fleet, the Convoys of which may in the mean time guard the Coast till the Garland is cleaned & fitted and a greater assistance of Carpenters and Caulkers may be then be had for the more expeditiously fitting the said Ship.

That it is necessary for her Majestys Service that a Sloop be hyred to attend her Majestys Ship the Garland, And ordered that it be recommended to Capt Stewart with the advice and assistance of Coll^o Wilson naval Officer of the lower District of James River to enquire for and hyre such a Sloop as the said Cap^t Stewart shall judge most proper to attend her Majestys Ship Garland and do Service against small privateers in shoal water where her Majestys Ship cannot come and it is further recommended to them to make the best bargain they can for the hyre of the said Sloop by the moneth for so long time as there shall be occasion for the same assuring the Owner he shall be duly paid by the Receiver Gen^l for her Maj^{ty}s Revenue.

Ordered that a house be hyred for the accomodation of the sick men belonging to her Majestys Ship the Garland and that the Rent of the said house be paid out of her Majestys Revenue of two Shill^s per hogshead and it is recommended to Coll^o William Wilson to provide a house accordingly.

Whereas this Board are informed that several Ships are lately sailed out without clearing and Notwithstanding the Embargo It is ordered that Capt Stewart Commander of her Majestys Ship the Garland stop all Ships bound out of the Capes that shall not produce to him lawfull Clearings from the proper Officers or her Majestys Licence for their departure.

April the 16th 1708

Present

The Hon^{ble} Edmund Jenings Esq^r President

Dudley Digges

Henry Duke

Benjamin Harrison Esq^{rs}

John Smith

M^r Com^{rs} Blair

John Lewis

William Bassett

William Churchill Esq^{rs}

Whereas this Board have received advice that a Privateer of four guns and seventy men belonging to Martinico hath lately near Cape Henry taken a Ship belonging to Leverpole bound in hither and likewise a Sloop belonging to New York bound home from the West Indies. And whereas her Maj^{ties} Ship the Garland is not at present in a condition to go out in search of the said Privateer. It is ordered that in case a Sloop or Vessell cannot be forthwith hyred pursuant to the Resolutions of the Council yesterday that then Cap^t Stewart Commander of her Majestys Ship the Garland be impowered to impress any Vessell which he shall find Convenient for his purpose and the same (being first valued and appraised) to cause to be manned and made use of as he shall find best for taking or destroying the said Privateer or any other he shall meet with.

Ordered that the commanding Officer of the Militia in the Countys of Princess Anne and Northampton forthwith appoint fitt persons to look out to Seaward in their respective Countys and to give them in charge diligently to observe the Courses and motion of such Ships or Vessells as they shall discover at sea & in case any of them appear to be Enemys that they forthwith advise the said commanding Officer of the same who is imediately to send an account thereof to Cap^t Stewart Commander of her Majestys Ship the Garland & to have the Militia of the said Countys in a readiness if there be Occasion.

Whereas Cap^t Stewart Commander of her Majestys Ship the Garland hath represented that he wants severall men to make up his Compliment on board the said Ship, It is ordered that the said Cap^t Stewart be impowered to impress all the Seamen belonging to the Leverpole Ship lately taken off the Capes and fall ashore untill he shall have compleated his said Compliment of men.

Ordered that Major Samuel Boush Sheriff of Norfolk County forthwith impress all such Seamen as are in or about that County belonging to the Leverpole Ship lately taken off the Capes and either to secure the said Seamen till Cap^t Stewart Commander of her Majestys Ship the Garland shall send for them or cause them to be conveyed on board the said Ship as he shall find least chargeable and most convenient.

April the 20th 1708

Present

The Hon^{ble} Edmund Jenings Esq^r President

Dudley Digges

Philip Ludwell

Benj^a Harrison

Henry Duke

Robert Carter

John Smith

Jn^o Custis Esq^{rs}

John Lewis

James Blair Com^{ry}

William Churchill Esq^{rs}

Coll^o Harrison haveing acquainted this Board that upon discourse with certain Traders lately Returned from the Tuscaruro Indians he had been informed that some of their Towns were willing to deliver up the murderers of Jeremiah Pate, but that there were other of the said Towns who had declared they would rather hazard their Lives than to surrender Charles one of the said murderers. Whereupon he had thought fitt to delay sending any message to the said Indians pursuant to the orders of the 19th of March till he should know the further Resolutions of the Council and the Council haveing spent some time in the Consideration thereof

Resolved that the further Consideration of that matter be referred till tomorrow morning.

April the 22^d 1708

Present

The hon ^{ble} Edmund Jenings Esq ^r President	
Dudley Digges	Philip Ludwell
Benjamin Harrison	William Bassett
Robert Carter	Henry Duke
John Custis Esq ^{rs}	John Smith
M ^r Com ^{rys} Blair	John Lewis
	William Churchill Esq ^{rs}

William Brown by his petition complaining that certain of the Nottoway Indians seated at a place called the village on a peice of land belonging to the petitioner do daily committ great Trespasses on his said land by cutting down and destroying the trees and disturbing his Servants that are put there. On heareing the allegations of the Pet^{er} and of the said Indians It is this day ordered in Council by consent of both partys that the said Indians shall have & enjoy the land already cleared by them belonging to the Pet^r and have Power to plant the same for this and the next Crop and that they have liberty of using any trees within the said cleared ground or any other trees near the same that are already barked and the said Indians are at the time aforesaid to remove from the Pet^{rs} said land without takeing away any fenceing by them used as aforesaid

Whereas this Board are informed that notwithstanding the Restrictions on the lands on the Southside Blackwater severall persons have presumed to build houses and Plantations & place Stocks on divers parcels of the said Land intending thereby to create to themselves a title to those severall tracts so illegally seated when orders shall be given for patenting Lands in those parts. For discouraging of which indirect practices in contempt of her Majestys authority and for obviating the dissatisfactions that may be occasioned amongst the inhabit^{ts} of this her Maj^{ty}s Colony if such persons should be suffered to possess those lands in exclusion of her Majestys good Subjects who pay a due obedience to the orders of the Government, This Board have thought fitt to publish and declare that all such persons as have seated or shall hereafter thus illegally seat on any of the lands on the Southside Blackwater which are prohibited by the orders of the Government to be entered for, shall be so far from obtaining any preference by such seating that when orders shall be given for patenting the same they will rather be excluded from any benefite of the said lands as haveing justly forfeited the favour of the Government by contemning the orders thereof, and further this Board do strictly charge and command all persons whatsoever that have built, seated or planted on any lands so restrained to remove themselves their Servants and Stocks from the same by the 25th of March next otherwise they must expect to be prosecuted as Trespassers on her Maj^{ty}s lands and to the end her Majestys Attorney Gen^l may be the better enabled to bring suit against all such as shall contemn this order, the Sheriffs of the respective Countys of Prince George, Surry, Isle

of Wight & Nansemond are required to take an exact list of all persons already seated or that shall seat or place Stocks on the lands aforesaid and make return of the same to the Council office before the fourth day of October Gen^l Court and so from time [to time] till liberty shall be given for takeing up the said lands- And ordered that publication hereof be made by the Sheriffs of the Countys aforesaid at the Court houses of their respective Countys.

Coll^o William Bassett haveing this day made report of his proceedings in examining into the truth of what was alledged by Jack Mason on his tryal in the following words Viz

In pursuance of an order of Council dated the 18th of March last to make inquiry into the truth of what was alledged by Jack Mason a Tuscaruro Indian on his tryal that he was at Coll^o Hills quarter all that day and night on which Jeremiah Pate was killed. On the Examination of which on the 8th instant I find by evidence upon Oath that the said Jack Mason was at Coll^o Hills quarter all that day on which Jeremiah Pate was said to be killed and that night untill bedtime which was about two or three hours within night and that he went to the place where he used to sleep and was there early next morning.

W^m Bassett

On consideration of which Report it is the unanimous opinion of this Board that he the said Jack Mason is a proper object of mercy, But for as much as he is convicted of wilfull murder which this Board have no power to pardon Therefore the said Mason is humbly recommended to her Majestys mercy and ordered that he be reprevied till further order And it is ordered that the Gaoler cause the said Mason to be favourably treated and that he be provided with such necessaries as he shall want.

Pursuant to the order of the 20th instant the Council took into Consideration the means of Obtaining the delivery of those Tuscaruro Indians suspected of the murder of Jeremiah Pate and after Debate and Deliberation thereon, Resolved

That a demand be made of the said three Indians with all convenient Speed. That two or three of the Indian traders or others that have been Traders best acquainted with the language & temper of the said Indians be employed for that purpose. That the persons so employed have instruction to acquaint the said Indians that by our Laws whenever any murder is committed every person concerned therein are to be tryed and suffer death for the same. That they acquaint the said Indians that this Govern^t take kindly their delivering up George one of the murderers to be tryed but that he & Thom Jumper soon after poisoned themselves before they were brought to tryall that Jack Mason has been tryed and there is some reason to beleive he was not actually concerned in the murder wherefore the Council have caused them [him] to be well used & he is reprevied and is now in good health. That there is ground to beleive from the Evidence of their own Indians that Charles, Stephen and Will Mason three of that Nation were Actors in the murder of Jeremiah Pate and that the said three Indians being now in the Tuscoruro towns this Gov-

ernment expect they be immediately delivered up and being willing to use all fair means for obtaining their desire they have sent this friendly message but if the Tuscoruros do not deliver them up they must expect this Government will fetch them That the said Indians shall have a fair tryal & if they be found innocent they shall be sent back without any harm That the persons employed on this message go through all the towns of the Tuscoruros untill they find where the afores^d Criminals are or have the final answer of the said Indians. If the Tuscoruros agree to deliver up the Criminals then they are to desire them to send a guard with them to Coll^o Harrisons assuring them they shall be well paid for their Trouble.

And that Will, Lotto Jack, Jamice and Roger who were Evidences on the former Tryal be also sent in with promiss that they shall be likewise paid and suffered to return as soon as those Criminals are tried.

That it be a private injunction to the persons employed on this message to keep an exact Journal of their proceedings of the substance of their Conferences with the Tuscoruro, and their answers, and that they inform themselves as well as they can (without makeing the Tuscaruros acquainted) of the number and strength of each particular town of the said Indians.

Ordered that a blank Commission be prepared to be filled up by Coll^o Harrison with the names of such persons as he shall find capable to go on this message to the Tuscaruros & that instructions be prepared for them according to the above Resolutions.

Whereas upon the expectation of the arrival of her Majestys Governor this Board have from time to time prorogued the Gen^{ll} Assembly & being now informed that there are some surmizes among the Burgesses that by these frequent prorogations they are dissolved whereby this Board are apprehensive that if they should be called to meet on any emergency they will not be persuaded to act. Therefore for obviating the inconveniencys that may happen to her Majestys Service in such a case It is the Opinion of the Council and accordingly Ordered that the present Gen^{ll} Assembly be dissolved and that a Proclamation issue accordingly

It being this day moved in Council whether a new Assembly shall be immediately called. The Council are thereupon of opinion that there is no necessity of calling an Assembly at this time there being daily expectation of the arrival of a Governor.

Whereas in pursuance of the order of this Board dated the 16th instant the Sloop Roanoke Merchant hath been impressed by Cap^t Stewart Commander of her Maj^{ties} Ship the Garland to attend the said Ship, and hath accordingly been appraised by Nicholas Curle & William Boswill Gent^s Sworne for that purpose; who have valued the said Sloop at 400£ Ster and the hyre of her to be worth 30^{li} Sterl per moneth besides the wages of the Master & four Seamen belonging to the same. This Board approveing of the said Cap^t Stewarts proceedings therein and of the said valuation do order & appoint that the said Sloop with the Master & Seamen be employed by the said Cap^t Stewart for her Majestys Service for one moneth

from the time of her being impressed & no longer, unless the hon^{ble} M^r President shall judge it expedient for her Maj^{ty}s Service to continue her longer in which case the said Sloop may be further employed for one moneth more & no longer. And this Board do promise and undertake to satisfy and pay out of her Majestys Revenue of this Colony for the hyre of the said Sloop thirty pounds Sterling per moneth and to the Master (if he will go in the said Sloop) the same pay as is allowed by the Queen to the Master of her Majestys Ship the Garland, and to each of the men belonging to the said Sloop the pay of foremast men on board her Maj^{ty}s said Ship and in case the said Sloop shall happen to be lost in the said Service then this Board do further undertake that there shall be paid out of her Majestys said Revenue the full value according to the above mentioned appraisement

The Petition of Philip Carney read and referred to M^r Auditor to consider and report his opinion thereon at the Audit

April the 23^d 1708

Present

As yesterday except Coll^o Ludwell

Whereas it is necessary for the Security of Trade that such Vessels as are bound out for any of her Majestys plantations should be convoyed off the Capes by her Majestys Ship the Garland appointed for the defence of the Colony, It is therefore ordered that Cap^t Charles Stewart Commander of her Maj^{ty}s s^d Ship from time to time stop all Vessells bound out to the plantations untill he shall have a Competent number to take under his Convoy and that then he sail with the said Vessells; and convoy them so far out to Sea as he shall judge necessary for their Security from the Enemys Privateers that hover about this Coast

Anne Walker haveing by petition complained to this Board that George Walker her husband violently restrains her from going to Church to worship God according to the established Religion, On hearing the said George in Council, It is ordered that as well the said Anne for makeing out the allegations of her said petition as the said George for answering thereto, attend this Board on Wednesday next till which time the further consideration of the said petition is referred.

On petition of William Tunley, It is ordered that M^r Chichely Corbin Thacker Deputy for granting passes in York river deliver to the said Tunley a copy of the caveat entered against him by the hon^{ble} Edmund Jenings Esq^r.

On reading this day in Council a Representation from the Trustees & Governors of W^m & Mary Colledge complaining that George Luke Esq^r Collector of her Majestys Customes in the lower District of James River hath neglected to render to them any account of the duty on Tobacco exported to the Plantations since he came last from England and also praying that pursuant to the directions of the hon^{ble} Comm^{rs} of the Customes the said George Luke may give bond in this Country for duly answering and paying the said duty It is ordered that the said George Luke Esq^r make his personal appearance

before the Council on Wednesday the 28th instant there to exhibit upon Oath an account of the said duty in his hands and to give such security for the future payment thereof as is directed by the hon^{ble} Comm^{rs} of her Majestys Customes in their Letter of the 16th of August 1703

The following persons being recommended by the Surveyor Gen^l for the approbation of this Board, were accordingly approved viz.

Charles Baily to be Surveyor of the Countys of Accomack and Northampton and
Francis Epps jun^r to be Surveyor of the County of Henrico.

April the 28th 1708

Present

The hon ^{ble} Edmund Jenings Esq ^r President	
Dudley Digges	James Blair Com ^{ry}
Benj ^a Harrison	Philip Ludwell
Robert Carter	John Smith
John Custis Esq ^{rs}	John Lewis and
William Churchill Esq ^{rs}	

The following warrants on the Receiver Gen^l to be paid out of her Majestys Revenue of 2^s per hogshead & were this day signed in Council viz

To the Gentlemen of her Majestys Council half a years Sallary ending the 25th of this moneth one hundred Seventy five pounds

To William Blathwayt Esq^r Auditor and Surveyor Gen^l half a years Sallary ending the same time fifty pounds

To Nathaniel Blackiston Esq^r Solicitor of the Virg^a affairs half a years Sallary ending the same time fifty pounds

To Stephens Thompson Esq^r her Majestys Attorney Gen^l half a years Sallary ending the same time twenty pounds

To William Robertson Clerk of the Council half a years Sallary ending the same time twenty five pounds

To M^r Com^{ry} Blair for so much paid severall Ministers for their attendance one Gen^l Court five pounds

To Edward Ross Gunner at James City half a years Sallary ending the same time seven pounds ten shillings

To William Robertson Clerk of the Council for severall expresses and other contingent Charges this half year Sixteen pounds Sixteen Shillings and seven pence half penny

Also to M^r Com^{ry} Blair half a years Sallary out of the Quittrents ending the same time fifty pounds, and

To M^r Attorney Gen^l half a years additional Sallary out of the Quittrents Thirty pounds.

Upon signing the warrants for the established Sallarys M^r President moved that it might be entered that he still makes his Claime for the half Sallary allowed the Governor and that the delaying the passing a warrant for the same may not prejudice his pretensions which on his motion is entered accordingly.

Whereas it hath been represented to this Board by her Majestys Auditor and Receiver Gen^l that the Sheriffs of the Countys frequently employing under officers to collect & receive her Majestys Quittrents the said Sheriffs at makeing up their acco^{ts} cannot take a positive Oath to the quantitys of acres within those precincts under the collection of their said Under officers & moveing that the said Under officers be obliged to deliver their accounts of her Maj^{ty}s Quittrents to the Sheriffs on Oath which motion being judged reasonable and tending to the more exact Recovery of her Maj^{ty}s dues, It is thereupon ord^d that the Courts of the respective Countys cause every person who shall hereafter be admitted to the office of an Under Sheriff to exhibit upon Oath a true and exact Rentroll of all the lands whereof he hath collected her Majestys Quittrents at some Court before the 15th day of April yearly and ordered that the said particular Rentrolls so sworne to be produced by the Sheriffs to the Auditor as Vouchers of their Generall Rentroll

Whereas Luke Haveild Gent late Sheriff of Nansemond County departed this life in the time of his Sherivalty and neither his Securitys Executors nor Administrators have rendered any account of her Majestys dues in his hands. It is ordered that her Majestys Attorney Gen^l enquire who are the Securitys Executors or Administrators of the said Haveild and as the case is bring suit against them for recovery of her Majestys dues received by the said Haveild.

Whereas it hath been represented to this Board that some County Courts within this Colony have neglected to take Security of the Sheriffs as the law enjoines for the due payment of her Majestys Quittrents and other dues. It is the opinion of the Council and accordingly ordered that the respective County Courts be and they are hereby required to be very diligent in takeing good and sufficient security of the Sheriffs not only for the due payment of her Majestys Quittrents and other dues but for the due execution of their offices as the law directs.

Ordered that the Clerks of the respective County Courts do yearly in October Gen^l Court return to her Maj^{ties} Auditor a true account of all fines and forfeitures that shall then be due.

Ordered that the Coroners of the respective Countys do yearly in October Gen^l Court return to her Maj^{ty}s Auditor a true account of all Deodands that have happened in the said Countys for the preceeding year.

Whereas Complaint hath been made to this Board in behalf of Robert Hix, David Crawley and other Indian Traders Inhabitants of this Colony that in the moneth of September last past the s^d Complainants being out a trading with the Western Indians & having purchased a consid^{ble} quantity of Skins and furrs and left the same in the Towns of a certain nation of Indians called the Usherees, The Govern^t of South Carolina caused all the said skins with diverse other goods belonging to the said Hix and his partners to be seized and carried to Carolina giving orders (as the said Hix was informed) at the same time to seize the said Traders in their return and to take from them all they had and to strip them and send them back to

Virginia. And that the said Hix haveing afterwards gone to Charles town to know the cause why the Governor had so seized their goods & to endeavour Restitution was obliged to severall weeks attendance and after a considerable expence in presents to the Governor & other persons had orders for Restitution of their goods but that a considerable quantity of the same was still detained without any redress for the same and that at best the Governor of the said province obliged the said Hix to enter into bond under the penalty of five hundred pounds Sterl never to cross Santee River again, and all this without shewing any Reason for so doing This Board takeing the said Compl^t into Consideration are of the opinion that a letter be written to the Gov^{er} of South Carolina to represent to him that this manner of proceeding is altogether new and unprecedented that her Maj^{ty} first by her royall instructions granted and afterwards confirmed by Law a free trade to all the Inhabitants of this Colony with all Indians whatsoever. That the Council conceive the Government of Carolina have no authority to monopolize all the Indian trade exclusive of her Maj^{ties} Subjects of her other plantations. That this attempt is so strange and surprizing that we know now what cause to assigne for it, and therefore desire the favour of him to signify to this Governm^t whether there be any new authority granted them or other cause happened for intercepting our Trade that was not in being in former years when the inhabitants of this Government enjoyed it without Restraint, and to desire that the bond so extorted may be cancelled and the restriction removed till such pretensions be adjusted, wherein this Board will contribute their endeavour to bring all differences to an amicable conclusion for preserving that good Correspondence that is necessary between Colonys under the same allegiance, but if this way of seizure and interruption is continued this Government can neither in duty to her Majesty nor justice to themselves pass it over, and hope the Government of Carolina will excuse them if they lay their case under her Majestys imediate Consideration and in the mean time use all lawfull ways for righting themselves.

The Petition of sev^{ll} Masters of Ships setting forth that they are informed that there are orders obtained from the Admiralty for her Maj^{ty}s Ship the Garland to take all Ships in this Colony that shall be ready by the 15th of May under Convoy for the Western Islands where they are to be mett by a stronger Convoy and praying that her Maj^{ty}s Ship the Garland may be appointed to Convoy them accordingly or that they may have Leave to proceed home in Company with such Ships as have her Majestys Licence was read, But there being no such Directions arrived as the Pet^{rs} have sett forth the said petition is therefore rejected.

Robert Carter and William Churchill Esq^{rs} Absent

Whereas it was this day represented to the Council in behalf of the Owners of the Ship Carter Frigott that they obtained her Majestys letter bearing date the 31st of January 1706/7 directing that the s^d Ship should not be stoped for Convoy in any of her Majestys plantations for her then intended Voyage to be performed in the space of

12 moneths from the said date. that the said Ship being then fitted out on a voyage to this Country was afterwards hyred and employed in her Maj^{ty}s Service to carry horses to Lisbon and that by the disappointment of Convoys and other accidents the s^d Ship was so long detained in her Maj^{ty}s Service aforesaid that the time limited in her Maj^{ty}s said Letter was expired before she could get on board her Lading in Rapp^a River Upon consideration whereof it is the Opinion of the Council that foreasmuch as the said Ship was by diverse unforeseen accidents detained in her Maj^{ty}s Service longer than her intended time without any voluntary neglect of the owners and for that it appears to be her Maj^{ty}s gracious intensions that the said Ship is still within the equity of that Letter and ought to have the benefite intended thereby for this present Voyage. And it is ordered that the said Ship be permitted to clear and sail accordingly as soon as she is Laded.

Robert Carter and W^m Churchill Esq^{rs} Present

Wm Lowry by Petition moveing to be paid for surveying Point Comfort Island by order of his Excellency Francis Nicholson Esq^r, It is ordered that the said Lowry be paid 584^l of Tobacco for the same According to Law by Robert Beverley Gent who hath obtained a patent for the said land he delivering to the said Beverley a Platt and Survey of the same.

On the petition of Rich^d Bland Assignee of Andrew Beck praying that an entry made by the said Beck with Robert Bolling Surveyor of Prince George's County for eight hundred acres of land w^{ch} was then supposed to be in the County of Prince George but is now found to be in the County of Surry may be laid out and surveyed by the Surveyor of that County. It is ordered that the Surveyor of Surry County lay out and survey the said eight hundred acres of land for the Pet^r according to the said Becks entry bearing date the 23^d day of December 1702

The petition of the new elected Vestry of Charles Parish and the Counter petition of Thomas Roberts and others are severally referred to the consideration of the next Council after the Gen^l Court when it is ordered that the Clerk of the Council give notice to two of each party to attend and make out the allegations of their said petitions

The severall petitions & claims of the Cred^{rs} of Henry Whitaker and Henry Nicholson felones de se are referred to M^r Auditor Digges to consider and report his opinion thereon at the next Council.

Thomas Ashwell being convicted this Gen^l Court for the murder of Anthony Power and James Pertnock for the murder of Elizabeth Thrower warrants were this day signed in Council for their execution on the 21st of May next

The severall patents for land granted this & the preceeding Gen^l Courts since the death of his Excellency Edward Nott Esq^r late Governor are ordered still to remain unsigned untill her Maj^{ty}s pleasure be signified on what hath been represented in relation thereto

The following persons were this day appointed in Council to be Sheriffs of the severall Countys for the ensuing year viz

Accomack.....	John Brodhurst
Charles City.....	W ^m Epes
Henrico.....	W ^m Randolph
Prince George.....	Jn ^o Hamlin
Surry.....	Joseph John Jackman
Isle of Wight.....	Henry Applewhite
Nansemond.....	Thomas Jordan
Norfolk.....	Samuel Boush
Princess Anne.....	Edw ^d Moseley
Eliz ^a City.....	Thomas Tabb
Warwick.....	Matthew Jones
York.....	Lawrence Smith
New Kent.....	George Keeling
James City.....	Jn ^o Frayser
King William.....	Thomas Carr
King & Queen.....	Rich ^d Anderson
Gloucester.....	Anthony Gregory
Essex.....	John Lomax
Richmond.....	W ^m Robinson
Lancaster.....	Thomas Carter
Northumberland.....	George Cooper
Westmorland.....	John Furman
Stafford.....	
Northampton.....	Henry Stringer
Middlesex.....	George Wortham

M^r Henry Cary Overseer of the building the Governors house by petition representing to this Board that he had well nigh expended the whole Fund appropriated for building the said house and praying direction for his further proceeding therein It being considered by this Board that there are severall Negroes and other goods bought with the money appropriated as aforesaid w^{ch} if sold would raise a considerable sum of money for carrying on the work, but are now usefull therein, And the Council haveing desired to know of Benj^a Harrison jun^r Esq^r Treasurer of the Imposition whether he could advance four hundred pounds Sterling upon the Security of the said Negroes and goods which he agreeing to. It is accordingly ordered and agreed that the said Treasurer advance to the said Henry Cary four hundred pounds Sterl for carrying on the building the Governors house, And in case an Assembly do not meet this fall or being mett shall not reimburse the s^d sum then the said Treasurer shall be paid by the sale of the Negros and other goods that have been purchased for carrying on the said work.

Ordered that a new Commission of the peace issue for Northampton County with the addition of some new Justices.

On reading this day in Council the petition of Anne Walker complaining that George Walker her husband violently restrains her from going to Church to attend the worship of God according to the es-

tablished Religion and praying releif therein as well for her self as for such of their Children as are come to the use of Reason and can give an account of their faith, and on hearing the pet^r & her said husband thereupon. It is the opinion of the Council that the s^d Anne ought to enjoy the free exercise of her Religion, and that her husband ought not to restrain her from going to Church And as to that part of the petition in relation to the Children it not appearing of what age those Children are nor how far they are capable of chooseing a Religion for themselves. This Board do not think proper to determine anything in that matter at this time.

April the 30th 1708

Present

The hon ^{ble} Edmund Jennings Esq ^r President	
Dudley Digges	M ^r Com ^{ry} Blair
Benj ^a Harrison	Philip Ludwell
Robert Carter Esq ^{rs}	William Churchill Esq ^{rs}

On the petition of John Godley Master of the Ship St Quintin setting forth that the Owners of the said Ship haveing fitted her out on a trading voyage from London to Lisbon and from thence to Virginia obtained her Majestys Letter directing that the said Ship should not be stopped here under pretence of Convoy, but the said Ship by the disappointment of Convoys being longer detained in her Voyage to Lisbon than was expected, It was the 25th of December before the pet^r arrived in Virginia when the time limit by her Maj^{ty}s said letter was within some moneths of expireing and before the s^d Ship could compleat her lading the said time was actually expired & praying he may have the benefite intended by the said Letter he being still within the equity thereof and now ready to sail. And the pet^r informing this Board that her Maj^{ty}s said Letter is in the hands of the Naval Officer of the upper District of James River. It is the opinion of the Council and accordingly ordered that the pet^r produce her Maj^{ty}s said Letter to M^r President & if it appears to him that the Case is as the pet^r hath represented it That then upon M^r Presidents Certificate the Naval Officer of the upper District of James River be and he is hereby directed to clear the said Ship according to the prayer of the said petition.

On the Representation of George Luke Esq^r Collector of her Maj^{ty}s Customes in the lower District of James River of his incapacity to attend the Council by reason of indisposition. It is ordered that the said George Luke have notice to attend at next Council to make Oath to his account and give the Security required of him.

The Orders of Council from the last Gen^l Court to this day were read and approved.

At a Council held at the Capitol the 4th of June 1708

Present

The Hon ^{ble} Edmund Jennings Esq ^r President	
Dudley Digges Esq ^r	James Blair Commissary
	John Smith Esq ^r

M^r President communicated to the Council her Majestys Instruction dated the 15th day of November 1707 Signifying her Majestys

Royal will and pleasure for his taking upon him the administration of the Government & executing her Majestys Commission to the late Gov^{er} and directing him to observe & follow her Maj^{ty}s Instructions to the s^d late Governour and such other as shall from time to time be given by her Maj^{ty} in the same manner as her Maj^{ty}s late Gov^{er} or Commander in Cheif should or might to do [*sic*] untill the arrival of Robert Hunter Esq^r whom her Maj^{ty} hath appointed to be Lieutenant & Gov^{er} Generall of this Colony or untill her Majestys further pleasure be known therein. And the said Instruction was ordered to be entered in the Council books.

Her Majestys warrant dated the 18th of August 1707 for remitting the sum of 2060:12:4³/₄ into the Receipt of her Majestys Excheq^r it being the ballance of the Quittrents remaining in the hands of W^m Byrd Esq^r her Maj^{ty}s Receiver Gen^l the 25th of April 1706, being this day read in Council It is ordered that the same be entered in the Council books and that M^r Byrd have notice thereof that a Warrant may be prepared at the next Council for remitting the same accordingly.

M^r President this day communicated to the Council severall letters from the Right hon^{ble} the Lords Comm^{ers} for Trade dated the 7th of May 12th of June and 2^d of September 1707 and the same were read and Ordered to be entered in the Council books and the Consideration of the matters therein contained referred till a fuller Council

Severall Letters from Coll^o Nathaniel Blackiston Solicitor of the Virginia affairs were this day read in Council.

Whereas the persons appointed to go to the Tuscarura Indians to demand the delivery of three of that nation suspected of the murder of Jeremiah Pate have reported their proceedings therein And that they had given the s^d Tuscaruros the space of twenty days time to comply with the said Demand or offer their Reason for their not compliance. Which time being now near expired and no answer come from the s^d Indians, It is the opinion of the Council that M^r President write to the Sheriffs of the Countys of Henrico Prince George, Surry, Isle of Wight & Nansemond requiring them forthwith to signify to every one of the Indian Traders within their respective Countys that it is the desire of the Council that they do not furnish or sell to the s^d Tuscaruro Indians or any other for their use any Arms powder or Shott untill further order, Which they may expect as soon as Satisfaction is made to this Governm^t concerning y^e three Indians suspected of the aforesaid Murder

Ordered that the Collectors and Naval Officers have Leave to Clear all Ships & Vessells that shall be ready to sail by the 15th instant in order to join Cap^t Stewart Commander of her Majestys Ship the Garland at Kiquotan & to proceed under his Convoy for England.

On the Representation of Cap^t John Huntington Commodore of the Virginia Fleet, It is ordered that the Ship impressed to attend her Majestys Ship the Garland be employed by the s^d Cap^s Huntington at the Charge of the Government for fourteen days (after the s^d Cap^t Huntington has done with her for taking out his powder) to attend such of her Maj^{ty}s Ships as he shall order out to Cruise for the defence of the Country.

Whereas Complaint hath been made by Cap^t Jn^o Huntington Comm^{d^r} of her Maj^{t^{ys}} Ship the Guernsey & Commodore of the Virg Fleet and the Cap^{ts} of the other Ships of Warr under his Command that some of their Seamen have deserted the Service & particularly four men belonging to her Maj^{ties} Ship Burlington. It is ordered that a proclamation issue strictly forbidding all persons to harbor or Conceal any of the s^d Seamen & requiring them to seize all seamen that shall desert her Maj^{t^{ys}} Ships and to Convoy them on board the respective Ships to which they belong

It is the Opinion of the Council that the sev^{ll} matters contained in the letters from the Lord^s Comm^{srs} for trade this day Communicated by M^r President requires the consideration and advice of a full Council and ordered that a full Council be summoned to meet here on Thursday the 10th instant.

On the motion of sev^{ll} members of the old & new Elected Vestrys of Charles parish. It is ordered that the Sherif of York County be impowered & required to summon all such persons as either party shal nominate to him to appear as Evidence for them before the hon^{ble} the Presd^t & Council on the 10th instant

At a Council held at the Capitol
the 10th day of June 1708

Present

The Hon ^{ble} Edmund Jennings Esq ^r President	
Dudley Digges Esq ^r	William Bassett
Benjamin Harrison Esq ^r	Henry Duke
M ^r Commissary Blair	John Smith
Philip Ludwell Esq ^r	John Lewis &
	William Churchill Esq ^{rs}

M^r President being by her Maj^{ties} Royal Instruction bearing date the 13 November 1707 impowered to take on him the administration of the Governm^t and execute all the powers and Authoritys in the late Governors Commission in the same manner as as Lieutenant Governour or Commander in Chief could or ought to do Did this day (after reading the s^d instructions) take the oaths appointed by Act of parliament to be taken instead of the Oaths of allegiance and Supremacy, the abjuration Oath subscribed the Test and took the Oath for the due observation of the acts relating to Trade and Navigation.

A Letter from the Right hon^{ble} the Lord^s Comm^s for Trade and plantations dated the 7th of May 1707 being this day communicated to the Council for their Consideration in order to returning a suitable answer to severall of the Inquirys therein mentioned. The said Inquirys being of great moment are referred for further consideration till the next full Council that shall be called.

Ordered that the Clerks of the respective County Courts be and they are hereby required forthwith to transmitt to the Secretarys office a true Copy of the List of Tithables in their respective Countys for this present year 1708.

For the better complying with the directions of the Right hon^{ble} the Lord^s Comm^s for Trade in relation to the number of Ships and Vessells belonging to this her Maj^{ty}^s Colony.

Ordered that the Naval Officers return to the Council office a true list of all Ships and other Sea Vessells in their respective Districts belonging to this her Maj^{ties} Colony expressing their burden manner of build number of mariners and Owners names together with List of all Ships and Vessells trading in their districts that have been built in this Colony their Burden, Owners, and to what port they belong.

On reading this day in Council a Letter from the Right hon^{ble} the Lords Comm^s for Trade Dated the 12th of June 1707 wherein amongst other things It is ordered that an Exact Survey of the number of Acres and a platt of all the Lands on the Southside Blackwater swamp and on Pamunkey neck be sent to their Lordships. Ordered that the Clerk of the Council discourse the Surveyors of those severall places concerning the Charge of makeing such Surveys and report their answer to this Board as soon as conveniently he can.

Whereas Capt Jn^o Huntington Commander of her Maj^{ty}^s Ship the Guernsey & Commodore of the Virginia Fleet hath acquainted this Board that he is (by his orders) to stay only one hundred days from the day of his Arrival which was the 26th of May last It is ordered that the Collectors & Naval Officers give notice thereof in their respective Districts that the Ma^{rs} of all Ships and Vessells intending to go under the said Convoy may prepare themselves accordingly.

Whereas upon reading this day in Council her Maj^{ty}^s Royal Instruction whereby the president is impowered to act in the same manner as a Lieu^t Gov^{er} or Comm^{der} in Cheif could or ought to do in the administration of the Government, It was moved that a warrant be prepared for payment of the Presidents sallary according to the establishment made by his Majesty King Charles the second dated the 10th day of December 1682 which allows to the Lieutenant Governour or Commander in Cheif during the absence of a Cheif Governour one full Moiety of the Cheif Governours Sallary and of all perquesites and Emoluments thereunto belonging. Upon Consideration whereof It is the opinion of the Council that tho' there is only mention of the absence of a Govern^r in the above order yet the reason of the same extends to the Commander in Cheif on the death of a Gov^{er}. That this Board haveing received no answer to the Representation they made on that Subject and being informed that the same allowance of one half Sallary is established on the Commander in Cheif or president on the death or absence of a Govern^r in the other plantations do therefore order that a Warrant be forthwith prepared for paying unto M^r President his Sallary after the rate of One thousand pounds per annum from the death of his Excellency Coll^o Edward Nott till the 25th of April last past and that the like warrant be prepared for paying unto M^r President the half of the house rent for the same time.

On reading this day in Council the petition of diverse Masters of Ships riding within this Colony in behalf of themselves & others Concerned in the same Trade & belonging to the same ports now in Maryland setting forth that they had lately notice given them that

her Maj^{ties} Ship the Garland Com^{ded} by Cap^t Charles Stewart is appointed their Convoy for England and that he was to sail the 10th instant & representing the impossibility of their being able to sail at that time by reason of the short notice they had of the time fixed for his departure which in all probability will be Expired before any knowledge of it can reach the Ships in the remote Rivers of this Colony & Maryland, And therefore praying the Council to prevail with Cap^t Stewart to stay for them till the 22^d instant by which time a Consid^{ble} Fleet will be ready to join him, It is ordered that a Copy of the said petition be sent to Cap^t Stewart Commander of her Maj^{ties} Ship the Garland for his Consideration. And this Board do there upon think fitt to signify their opinion to the s^d Cap^t Stewart that it will be very much to her Maj^{ties} Service and the advantage of Trade that he stay till the 25th instant whereby an Opportunity will be given to many Ships to go under his Convoy which can't possibly be ready in so short a time as he hath already notified for his departure.

Ordered that the Collectors & Naval officers have leave to clear all Ships and Vessells that shall be ready to sail by the 20th of this moneth in order to join Cap^t Stewart Commander of her Maj^{ties} Ship the Garland at Kiquotan and to proceed under his Convoy for England.

Ordered that the Naval Officers attend her Maj^{ties} Auditor & Receiver Gen^l at W^{ms}burgh the 22^d instant in order to pass their Acco^{ts} of her Maj^{ties} Revenue in their hands.

Whereas the time allowed the Tuscaruro Indians for sending in the suspected Murderer or Jeremiah Pate is almost expired and no answer yet returned by them; And it being judged that the prohibiting all Trade with the s^d Indians will prove the most effectual way to oblige them to deliver up the s^d suspected persons or at least if a war with them should be thought necessary such a restraint would very much disable them from doing mischief to the Inhabitants of this Colony, It is therefore ordered that a proclamation be prepared prohibiting all Trade & Commerce with the Tuscaruro Indians untill further order and a proclamation was prepared accordingly by her Maj^{ties} Attorney Gen^l and Ordered to be issued with all Speed.

Whereas upon reading at this Board the petition of severall persons lately elected Vestrymen of Charles parish, praying that a *Dedimus* may issue for administring to them the Oaths appointed by Law for qualifying them to act in that Station together with the Counter petition of sev^l of the Inhabitants of the s^d parish Complaining of the irregularity of the s^d Election, And upon hearing the Testimonys of the severall Witnesses brought by each party with the arguments of the Council thereupon, It hath been made appear to this Board that there were diverse indirect practices & irregular proceedings in the s^d Election tending rather to the widening the differences that had arisen in that parish than any way to unite the minds of the Inhab^{ts} there as was the true intention of and accordingly recommended by this Board. It is therefore the Opinion of the Council that the s^d Election made on Easter tuesday last be and it is hereby declared to be null & void And Ordered that the Freeholders & householders of the s^d parish paying Scott & Lott therein meet at the parish Church on Tuesday

the 29th of this present moneth and there Elect & choose twelve of the most able & discreet men of the said parish to be of the vestry for the same And for the more regular proceeding in the s^d Election It is ordered that the Sheriff of York County attend and take the poll in such manner as he shal be directed by this Board and to the end all persons concerned may have due notice of the time and place of Election, It is ordered that the Minister of the s^d parish make publication here of in the parish Church imediately after divine Service on each Sunday between this and the day of Election.

Whereas the Sheriff of the County of York is directed to attend the Election of the Vestry of Charles parish on Tuesday the 29th of this present moneth and to take the poll at the same for his better guidance and direction therein & for avoiding all tumults and Confusion which usually happens on such Occasions It is ordered that every Freeholder and householder paying Scott & Lott in the s^d parish & none other have vote at the s^d Election, And for clearing any doubts that may happen as to any persons being a freeholder or householder the Sherif is impowered to administer to such person an Oath if required in the same manner as is directed by Law in the Election of Burgesses, The s^d Sherif shall seperately demand & accordingly take in writeing from every person haveing vote in the s^d Election, the names of twelve men whom such person thinks most fitt to be vestry men in the s^d parish, and haveing so sett down in writeing such particular Election List or Number of twelve men he shal then examine all the s^d Lists and shall declare those twelve men to be the vestry whom (upon Security) he shall find to have most votes. And ordered that the s^d Sheriff make Return of his proceedings together with the sev^{ll} Lists aforesaid to the Council office.

Pursuant to her Maj^{ties} directions M^r President signed in Council a Warrant to the Rec^r Gen^{ll} for remitting into the receipt of her Maj^{ties} Excheq^r the Sum of £2060:12:4³/₄ being the ballance of her Maj^{ties} Quittrents in April 1706.

The following Warrants on the Rec^r Gen^{ll} to be paid out of her Maj^{ties} Revenue of 2^s per hogshead port duty & head money were this day signed by the President in Council viz^t

To Edmund Jennings Esq^r President of the Council for his Salary from the 23^d of August 1706 to the 25th of April 1708 one thousand six hundred and seventy pounds ten Shillings and ten pence, and

To Edmund Jennings Esq^r President of the Council his house rent for the same time One hundred twenty five pounds five Shill^s and ten pence—

Whereas Cap^t Richard Dennis hath represented to this Board that the Master and another man belonging to a French prize lately sent in thither by her Maj^{ties} Ship the Laystaff were detained here to be Evidences in the Condemnation of the s^d prize and there being no provisions on board he had ordered them their Accomodations on shore which the Agent for prizes hath refused to pay and praying directions therein. It is the opinion of the Council that it is fitt the accommodations of these prisoners should be defrayed out of the produce of the prize they being brought in hither on purpose to do Service in the Condemnation thereof.

At a Council held at the Capitol
the 22^d of June 1708

Present

The hon^{ble} Edmund Jennings Esq^r President
Dudley Digges Esq^r M^r Commissary Blair
Philip Ludwell Esq^r

This day was read in Council her Maj^{ties} Letter bearing date the 20th of day of November 1707 Signifying her Maj^{ty's} Royal will & pleasure that if any of the Members of her Council shal hereafter willingly absent themselves when duly Summoned to Council without a just & lawfull Cause & shal persist therein after admonition the s^d Councillor so absenting shall be suspended till her Maj^{ty's} further pleasure be known And Ordered that the s^d Letter be entered in the Council books.

M^r President this day communicated to the Council her Maj^{ty's} order in Council bearing date the 25th of Jan^{ry} 1707 (w^{ch} he read on the 20th instant) repeating an Act of Assembly past in this her Maj^{ty's} Colony in 1705 Entitled an Act for raising a publick Revenue for the better Supporting the Government of this her Maj^{ty's} Colony & Dominion of Virginia and for ascertaining the Sallary of the Council. And the s^d Order being read together with a Letter from the R^t hon^{ble} the Lords Comm^s for trade directing the publication thereof. Ordered that a proclamation be prepared to publish and make known to all her Maj^{ty's} Subjects that her Maj^{ty} hath thought fitt to Repeal and disannull the s^d act of Assembly, and a proclamation was prepared accordingly.

Whereas her Majesty hath thought fitt to repeal the act of Assembly which ascertains the Tunage of Ships, and it being necessary that the duty of 15 pence per Tun payable pursuant to the former act should be duly received according to some certain method untill further provision be made therein, It is therefore ordered that the duty of Tunage payable by each Ship and Vessell trading in this Colony be answered and paid according to the number of Tuns expressed in each respective Ship or Vessells Register, and the naval Officers are to collect the same accordingly.

It being represented to this Board that severall Masters of Ships in York and James Rivers not haveing then compleated their Ladeing could not attend the naval Officers to clear on the 20th instant and being now fully laded and in a readiness to joine the Convoy prayed they may be allowed to Clear.

Ordered that the Collectors & Naval Officers of the said Rivers have Leave to clear all Ships and Vessells that they judge may be able to joine Cap^t Stewart Commander of her Maj^{ty's} Ship the Garland by the 25th instant

On the Recommendation of Collo Miles Cary who executes the office of Surveyor Gen^l in behalf of the Trustees of William and Mary College John Smith Gent is approved to be Surveyor of the County of Gloucester.

Jn^o Poythres by his petition Setting forth that he entered with M^r Robert Bolling Jun^r Surveyor of Prince George's County for Six

hundred acres of Land which was then supposed to be within the s^d County, and had part of it Surveyed but upon runing the dividing Lines, the s^d Land is found to be within the County of Surry and praying an Order to the Surveyor of Surry County to Survey and lay out the remainder of the said Entry.

Ordered that the Surveyor of Surry County Survey and Lay out for the Petition^r the remainder of the said six hundred Acres he produceing Rights for the same according to Law.

At a Council held at the Capitol
the 29th of July 1708

Present

The hon ^{ble} Edmund Jennings Esq ^r President	
Dudley Digges	Philip Ludwell
Richard Carter Esq ^{rs}	John Smith
M ^r Com ^{ry} Blair	John Lewis Esq ^{rs}

Her Majestys order in Council bearing date at the Court at St James the 1st of April 1708 approveing Confirming and finally Enactint & Ratifying the act of Assembly of this Colony Entitled an Act for improving the Staple and for regulateing the size & Tare of Tobacco hogsheads, was read in Council and ordered to be Entered in the Council books.

This day the King of the Saponie Indians attended the President and Council and in name of that Nation presented a petition praying that the said Indians might be received under the protection of this Government they being willing to become Tributarys thereto, Whereupon the Council finding that the said Indians were once Tributarys and included in the Articles of peace agreed at Middle plantation the 29th of May 1677 till upon some misunderstanding they withdrew towards the mountains and are now Returned are of Opinion that it is for her Maj^{ty}s Service that the said Indians be received into the protection of this Government as Tributarys and they are received accordingly of which the said Indians were acquainted by their Interpreter. And whereas the said Indians have desired that land may be allowed them for their Settlement either in the Forks of three Creeks or the land between Unotee and Reeves's quarter the Council were pleased to agree to the said desire provided the same doth not interfere with the Rights of any of her Maj^{ty}s Subjects And the s^d Indians were made acquainted that the Presid^t and Council would speedily inform themselves thereof and in the mean time take Care that the said Indians should not be disturbed in their possession of the Land where they now live

Ordered that it be recommended to Coll^o Benj^a Harrison to enquire if the Lands lying in the branches of the three Creeks or the Lands between Unotee & Reves's quarter on the northside of Maherine River be possessed or entered for by any of her Maj^{ty}s Subjects and make report to the next Council to the end this Board may be better enabled to answer the desire of the Saponie Indians who have prayed that land may be assigned them in either of those places.

Whereas this Board are informed that one Arthur Cavenner an Inhabitant of Surry County but pretending himself of North Carolina hath used diverse ill practices with the Saponie Indians on purpose to create misunderstanding and Jealousy between the s^d Indians and her Maj^{ty}s Subjects of this Colony such as signing papers under the name of Coll^o Harrison and other Gentlemen of Note in these parts importing an Order to cutt off and destroy the s^d Indians, for preventing the future pernicious practice of the said Cavenner. It is ordered that the Sheriff of Surry County make enquiry into the truth of the s^d Information and if he find that the said Cavenner has been heretofore or shal at any time hereafter be guilty of any such proceedings that he forthwith take him into Custody untill he give bond with good security for his good behavior for a year and day then next coming.

Whereas Cap^t Smith of her Maj^{ties} ship the Oxford hath represented to this Board the weak Condition of the s^d Ship by the death of one & fourty of his men and sickness of about seventy more and desired the assistance of the Government for a Supply of men and Cap^t Jn^o Huntington Commodore of the Virginia Fleet haveing by his Letter of the 25th instant desired that a warrant might be made out for the s^d Cap^t Smiths impressing one man out of five from any of the Traders or Coasters, Upon consideration of which The Council are of opinion that the impressing Seamen from the Ships in the country at this time will be extremely prejudicial to the Trade and disable them from getting Loaded so as to save this Convoy. And therefore desire M^r President to acq^{nt} the Commodore that if there is a necessity for the Oxfords going out to Cruise (as he has intimated) She may be Supplied with men out of some of her Maj^{ty}s Ships that ly in harbour. But forasmuch as Cap^t Smith hath represented that there are several vagrant Seamen in the Country that have formerly deserted the merchants service It is ordered that a Warrant be issued empowering Cap^t Smith to impress all such vagrant Seamen, and in case by that means and the proclamation already issued for takeing up Runaway seamen her Maj^{ty}s said Ship shall not be compleatly manned then this Board will give orders for supplying the deficiency out of the Merchant Ships before they sail hence in such manner as may be least prejudicial to their Voyages.

Whereas diverse Species of provisions were imported last year into the lower district of James River for the use of her Maj^{ty}s Ships the Ruby & Chester which said Ships being unfortunately intercepted by the Enemy and the said provisions lying still undisposed of, and may be found to be in a perishable Condition It is recommended to Commodore Huntington to appoint such of the Officers or persons of her Maj^{ty}s Ships under his command to be joined with Coll^o W^m Wilcox Cap^t Francis Ballard M^r Nicholas Curle and M^r George Walker or any three of them who are hereby appointed for that purpose to view and survey the said provisions and make Report thereof to this Board. And it is the opinion of the Council that upon the application of any of the pursers of her Maj^{ty}s Ships now here and their Receipts for the same such a proportion of the said provisions be delivered them as shal be desired for the use of her Maj^{ty}s said Ships.

Upon reading at this Board the severall Complaints of Philip Rogers Master of the Brigantine Elizabeth and Hannah, and of George Walker and Thomas Peterson in behalf of the Pensilvania Company setting forth that the Officers of her Maj^{ty}s Ship Burlington have impressed from the said Burlington [Elizabeth and Hannah] the mate and four men out of six which was her whole Compliment and out of a Sloop belonging to the said Company had impressed all the men except the Master and a boy whereby the said Vessells were incapacitated to performe their voyages and praying Relief therein. It is the opinion of the Council that M^r President send to Commodore Huntington a Copy of the s^d Compl^{ts} and desire him to give the necessary orders to Cap^t Mead Commander of her Maj^{ty}s ship the Burlington to discharge the seamen so impressed, or to give his reasons for detaining them and that he return his answer to the maker of the said Complaints And whereas her Maj^{ty} hath been pleased to direct that no Seamen be impressed but by Warrant from the Governor of this Colony for the time being, M^r President is desired to acquaint the Commodore therewith and that in pursuance of her Maj^{ty}s Commands the Cap^{ts} of her Maj^{ty}s Ships may expect all the assistance that can possibly be given them in this Colony for her Maj^{ties} Service.

M^r President this day communicated to the Council the advices which he had received from time to time of the French privateers infesting this Coast and desired the advice of the Council therein. Whereupon the Council are of Opinion that since her Maj^{ty}s Ships of War that have been here this Summer have not been able to secure the Coast and prevent the takeing of the Coasting Vessells and other Ships, It is not in the power of this Government to provide against that Danger otherwise than by representing to his Royal highness their humble opinion that for the effectial guarding this Coast there is need of one fourth Rate Man of War and a Sloop or Brigantine of ab^t ten Guns and men proportionable to attack the Enemys privateer Sloops in Shoal Water where the afores^d Man of War cannot come at them, and that without such a small Vessell as well as a Ship of force it doth not seem probably that this Coast should be sufficiently secured from the Enemys Privateers.

M^r President asking the opinion of the Council whether it be not necessary to have an Assembly on foot to provide for the security of the Country as well against the insults of Privateers as the danger that may be apprehended from the Tuscaruro Indians. The Council are thereupon of Opinion that there is no necessity of calling an Assembly at this time.

This Board taking into consideration the Circumstances of the Trade of this Country and the slow advances yet made in Loading the Ships by which it appears that the time which the Commodore has notified for his departure is too short for any number of the Fleet to get ready for sailing with him and haveing this day sent for the Commodore to the Council Chamber and there laid before him the unexpected delays the Shiping have mett with in their Lading and how much his longer Stay would contribute to her Maj^{ty}s Service and the benefite of her Subjects concerned in this Trade, by giving an Oppor-

tunity to a great many Ships to compleat their Ladeings and go under his Convoy which otherwise must ly in the Country all winter. The Commodore did thereupon out of a due regard to her Maj^{ty}s interest and to the advantage of the Trade consent to stay till the 20th of September And it is

Ordered that the Collectors and Naval Officers be impowered and directed to clear all Ships and Vessells bound for England that shall be ready to clear by the 15th of September and that the Masters of such Ships be directed to joine Commodore Huntington at the mouth of James River by the 20th of the same month in order to take the benefite of his Convoy.

Ordered that the Naval Officers of the severall Districts attend her Maj^{ties} Auditor and Receiver Gen^l at Williamsburg on the 20th day of September to pass their Accounts of her Maj^{ty}s Revenue then in their hands.

At a Council held the 20th of September 1708

Present

The hon ^{ble} Edmund Jennings Esq ^r President	
Dudley Digges	M ^r Com ^{ry} Blair
Benj ^a Harrison Esq ^{rs}	Philip Ludwell &
	Jn ^o Lewis Esq ^{rs}

Her Majestys Warrant bearing date the 28th of April 1708 was this day read in Council directing the payment of £1418:5^s unto Coll^o Robert Hunter appointed her Maj^{ty}s Lieutenant and Governor Gen^l of Virginia in Compensation of the Loss of his Equipage when taken prisoner and also of the sum of five hundred pounds per annum towards his maintenance and Support till his arrival in this Colony to Commence from the first day of July 1707 both which sums to be paid out of her Maj^{ties} Revenue of Quittrents, Pursuant whereunto Warrants on the Receiver Gen^l being prepared for payment of the above mentioned Sum of £1418:5^s and for the Sum of five hundred pounds as one years allowance to the s^d Coll^o Hunter ending the first of July last were this day signed in Council

Whereas the Inquirys sent from the Right hon^{ble} the Lords Comm^s for Trade were referred to be considered at this Council and it appearing that a fuller Council cannot be expected at this time, many of the Members of the Council in their persons and family lying under the gen^l affliction of sickness. It is therefore Ordered that the Consideration of the said Inquirys be further referred till the Gen^l Court.

Ordered that the Restraint on the Trade with the Tuscaruro Indians be continued till the same be further considered in a full Council and that a Letter be written to the President of North Carolina to desire him to prohibite the supplying the said Indians with powder and Shott from that Governm^t. A Letter from the R^t hon^{ble} S^r Nathaniel Johnson Governor of Carolina being in answer to a Letter sent from this Board to him concerning the Interruption of our Indians Trade was read in Council and the Consideration thereof referred till the Gen^l Court.

The sev^{ll} petitions of the new Elected Vestry of Charles parish and of Henry Howard and others are referred till the 7th day of the Gen^{ll} Court and ordered that the respective partys have notice to attend on the aforesaid day —

Ordered that M^r Henry Cary Overseer for the building of the Gov^s house lay before this Board an account how the £3000 appropriated for the building has been expended without mixing therewith the Services he hath done about the Capitol since the raising of the Fund.

Several petitions being presented to the Council for the office of Keeper of the County Gaol, Ordered that the same be referred till the next Council, care being at present taken therein.

Her Majestys Auditor and Receiving Gen^{ll} haveing laid before the Council the warrants of her Maj^{ty}s Revenues in order to be audited and passed, It is the Opinion of this Board that there not being so full Council now as is requisite for passing those accounts they be referred till the Gen^{ll} Court. And the Council are further of opinion that the best and most convenient time for Auditing and passing the accounts of her Maj^{ty}s Revenues are the 25th of April and 25th of October there being then greater certainty of a full Council than at any other time upon acco^t of the Gen^{ll} Court.

The Claim of Joshua Wynne and others for going to the Tuscaruro Indians referred till the audit at the Gen^{ll} Court.

At a Council held at the Capitol
the 19th day of October 1708

Present

The hon ^{ble} Edmund Jennings Esq ^r President	
Benjamin Harrison Esq ^r	Henry Duke Esq ^r
Robert Carter Esq ^r	John Smith Esq ^r
James Blair Com ^{ry}	John Lewis Esq ^r
Philip Ludwell Esq ^r	William Churchill Esq ^r

A Letter from the Right Hon^{ble} Lord^s Comm^s for Trade Dated the 15th of April last past was this day read in Council requiring an Account of the number of Negros imported into this Colony directly from Affrica since the 24th of June 1708 and at what Rate sold each year how many by the Royal Affrican Company and how many by Separate Traders and the rates at which each have been sold &c. It is the opinion of the Council that the naval officers are the proper Officers to return the said accounts.

On the petition of John Bond Ordered that a Commission be granted him to be a pilot in James River in the room of John Lowry deceased.

On the petition of John Hindmar Ordered that a Commission be granted him to be a pilot in potomack River.

The Council haveing this day taken into Consideration the Sev^{ll} Inquirys sent from the Right hon^{ble} the Lord Comm^r for Trade which were communicated to them by M^r President agreed to the following answers Viz^t

As to that part of the s^d Inquirys w^{ch} concerns the Removal of the Inhabitants into out neighbouring Colonys and the way to prevent the same The Council are humbly of Opinion that the Cheif cause of this Removal is the want of Land to plant & Cultivate the most convenient Land yet unpatented being in pamunky neck and on the Southside Blackwater swamp and that shutt up by orders of the Government this has occasioned many familys of old inhabitants whose former plantations are worne out, as well as great number of young people and Servants just free to seek for Settlements in the province of North Carolina where Land is to be had on much easier Terms than here, not a few have obtained grants from that Government of the very same Land which they would have taken up from this if Liberty had been given for it. For preventing whereof It is humbly proposed that the bounds between Virginia and Carolina be settled as soon as may be and that free Liberty be given to all persons to take up Lands any where within the bounds of Virginia on the Terms mentioned in the Charter granted by his Maj^{ty} King Charles the second and according to the constant custom of granting Land in this Country from the first Settlement thereof.

Another Cause of the Removal of our Inhabitants is the exemption granted in most of the proprietary Governments for being sued for debts Contracted in other places, this encourages a great many people of uneasy Circumstances or dishonest inclinations to run thither to avoid their creditors and secure themselves a safe Retreat and even in the Province of North Carolina where Virginia debts are pleadable there are such difficultys in the prosecution thereof partly by the distractions of that Country which has no settled Government and partly by the protection those Debtors find among persons of like Circumstances and principles that it is but lost Labour to sue for them.

As to the Inquiry relateing to the Trade of this Colony by exportation or Importation

It is answered that the Staple Commodity of this Country being Tobacco is only to Great Brittain and Return made in the manufacture thereof and other Commoditys brought directly from thence and that this Country hath no manner of Supplys of any European Manufactures (Except a very little to the plantations) but only from Great Brittain. There's very little Trade carryed on by the Inhabitants of this Country to any of her Maj^{ties} plantations. What Trade they have is to the Island of Barbados to which they export Indian Corne, pork, pitch, Tarr Lumber and sometimes a little Tobacco, in exchange of which they import Rum, Sugar, Molasses a little Cocoa and Ginger, but a great part of the Commoditys of that Island are purchased by bills of Exchange from New England are imported Rum, Sugar, Molasses Madera and wine, fish and Wooden ware. Exported thither Corne, pork, some Tobacco and money, from New York and pensilvania imported Rum Sugar Wine bread flower and beer, Exported thither European goods money and wheat from South Carolina and Bermudas, Rum Sugar and Madera Wine Salt Cocoa and Rice Exported thither flower, Cyder and European goods. It may be further observed that all the Trade with the above plantations (Except

some part of the Barbados Trade) is carryed on entirely in Vessells belonging to the s^d plantations and the Inhabitants thereof

As to the Inquiry how and in what particulars the Trade of this Country is increased and decayed and the reason of such increase or decay.

It is answered that there can't be an exact Estimate made how much Tobacco is exported hence that being best known to the hon^{ble} Comm^{srs} of the Customes but it is very plain the production of that manufacture has been increasing for severall years as on the other hand the value thereof hath proportionably decreased; which we conceive is occasioned by the great number of Negros imported and the increase of the Inhabitants who being only employed in that Manufacture there is much more made than can be vended to any Advantage Another branch of the Trade of the Country is the Indian Trade for Skins & Furs in which great quantitys of Course Cloaths from England powder, Shott, guns, Hatchets &c have been vended annually but that Trade is now like to be totally wrested out of our hands by the Government of South Carolina, who under pretence that the Indian Nations with whom we trade live within their Government take upon them to seize the effects of our Traders and to impress high dutys equal to a prohibition on all Commoditys carryed thither from hence and the like on the Skins brought back, this is a new and Strange pretence that Virginia who traded with those Indians before the name of Carolina was known should be now abridged, especially since most of the Indians with whom we trade live some hundreds of miles from any of the Inhabitants of Carolina

To the Inquiry what are the present methods used to prevent illegal Trade—It is answered that we know of no illegal Trade carryed on in this Country but for the more effectual Suppressing of illegal Trade It is humbly proposed that proper Officers be appointed to reside at the ports established here by act of Assembly pursuant to her Maj^{ty}s Instructions or at such of them as the hon^{ble} Comm^{srs} for the Customes shall think fitt, and that the Shipping may be directed to ride lade & unlade there, this with a strict Charge to the Officers to be diligent in the execution of their duty we conceive would effectually put an end to all endeavours for illegal Trading.

To that Inquiry which concerns the manufactures established in this Colony—It is answered that the manufactures of Linnen, Woolen & Cotton have of late been sett up for supplying the pressing necessities of the people the price of Tobacco being so low that for some years it hath not been sufficient to purchase Cloaths for the Makers thereof. Pitch and Tarr are also made in this Country enough to supply the Occasions thereof and to export a little to the West Indies and much greater quantitys might be produced if there were an encouraging markett for it.

Lastly, In answer to that part of the afores^d Letter from the Right hon^{ble} the Lords Comm^{srs} for Trade whereby their Lord^{ps} are pleased to intimate their desires to be informed whatever else may conduce to her Majestys Service the interest of England & the advantage of this her Maj^{ty}s Colony. The Council humbly beg Leave to offer their Lord^{ps} their opinion, That it is for her Maj^{ty}s Service that the

present restraint & prohibition on the takeing up of Land be removed & that her Maj^{ty} would be graciously pleased to supersede the execution of that Instruction given to his Excellency Coll^o Edward Nott our late Governor concerning a new method of takeing up Land for w^{ch} the Council humbly offer the following Reason. That the Tenures of Land in this Country being founded on the Charters to the Virginia Company and afterwards confirmed by the Charter of King Charles the Second are now so interwoven with our Laws that it is not possible without the greatest Confusion to make the alteration proposed in that Instruction. That all the valueable and Convenient Land in the Country is already taken up and patented according to the ancient constitutions of the Country and what remains now being remote from the Conveniencys of Trade is of little Value and only desirable because there is none else to be had. That according to the method proposed in the said Instructions there can be no such thing as a Succession of Inheritance in any Lands for supposing by death or any other Casualty a man should come to lose his Serv^{ts} or Slaves for which his Land was granted him, he must at the same time lose his land too, since such a Casualty would disable him to pay the Q^{tt}rent proposed and so one misfortune would so unavoidably introduce another till at last perhaps after all his Toil his Land will be taken away by a Stranger who hath better fortune and his Children turned out to seek for more Settlements. That it is very apparent no Land will ever be taken up here on the Terms proposed in the s^d Instructions so long as there is any Land to be had in our Neighbouring Colonys on easier Terms, for since the propriety Governments so long as their Charters are in being, cannot be abridged in granting their Lands as they please the introducing of this kind of Tenure in the Colonys under her Maj^{ty}s Government will only tend to the depopulateing of them, at least it can never be expected they should increase in Inhabitants for the future, since people will always go to those places where they may have land cheapest and have a Certainty of preserving it to their posterity. The Council do further beg Leave to represent that the restraining the takeing up Land only to small tracts will be very prejudicial to her Maj^{ty}s interest for if only small parcells such as 100, 200 or 500 acres be to be taken up it will follow that good Land only will be patented and the bad (which may be reckoned $\frac{3}{4}$ th of all that is yet to be taken up) will for ever remain wast.

Another thing of great Concernment to her Maj^{ty}s Service and the advantage of this Colony would be to Confine the Trade of this Country especially dureing the war to regular Fleets once a year which may proceed from England in the moneth of September and return from hence in the moneth of April that no Ship be permitted to sail to or from Virginia but in those Fleets and that a sufficient Convoy be appointed for them By this means the market for Tobacco would become certain & regular and would not be damped by the expectation of intervening Ships. the planters would be supplied with goods and Cloathing before winter and their industry encouraged by haveing something for their Labour and the sickness of the Seamen and the Danger of the worme so frequent and fatal to the Ships and Seamen in the Summer prevented.

And lastly That there be a sufficient Guard appointed for our Coast which we humbly conceive can't be less than one Ship of good force and another small Vessell of ten or twelve Guns fitt to pursue the Enemys small privateers among the Flats and shoal Water the want of such a guard has been an extraordinary Loss to the Trade of this Country for these two years past, the Enemys privateers intercepting almost all the small Vessells both Outward and inward bound and sometimes even within our Capes and in Sight of her Maj^{ty}s Ships of war who were too bulky to follow such small light vessells and without such a Guard we have reason to believe not only our Trade will be destroyed but even the Country plundered.

October the 20th 1708

Present

The same as yesterday and Coll^o William Bassett

It having been referred to the hon^{ble} Benjamin Harrison Esq^r to enquire if the Lands lying between the branches of y^e three Creeks and between Unotee and Reeves's quarter are possessed or entered for by any of her Maj^{ty}s Subjects to the end this Board might be the better enabled to answer the desire of the Saponie Indians who prayed to have land assigned them in either of these places and he having accordingly made Report that the said lands are so far possessed by the Queens Subjects that there is not conveni^{ent} land for the Indians and proposing that Land be offered them on the Nottoway River just above the Western tradeing path where they may more conveniently Seat and be less lyable to disputes with the Inhabitants. The Council approving thereof Do order that the Interpr^r acquaint the said Indians therewith and that they have Leave immediately to seat themselves on that Land if they think fitt and report their answer as soon as may be.

Whereas M^r Joseph John Jackman being appointed Sherif of Surry County hath hitherto refused to take on him the execution of the said office excusing himself upon account of the great Charge it is to make the Quittrents of that County convenient since the lands on the Nottoway and Maharine Rivers were Seated, and for that he was obliged not long since to hold the said office three years successively much against his inclination and to his great Loss and detriment. For the encouragement of the said Jackman to undertake the said office this Board do declare that he shall not be obliged to hold the same longer than next April unless he shall then desire to be continued therein for another year, and further that this Board will consider the extraordinary trouble and Charge of the said Jackman not only in being forced on this office when no other would accept thereof but also in relation to the Quittrents and make him a suitable allowance for the same.

October the 22^d 1708*Present*The hon^{ble} Edmund Jennings Esq^r President

Dudley Digges

William Bassett

Benj^a Harrison

Henry Duke

Robert Carter Esq^{rs}Jn^o SmithM^r Com^{ry} BlairJn^o Lewis

Philip Ludwell

William Churchill Esq^{rs}

A letter from S^r Nathaniel Johnson Deputy Governour of South Carolina dated the 22^d of July last in answer to a Letter from M^r President by advice of this Board of the 28th of April preceeding relating to the seizing the goods of Robert His and his partners Indian Traders was read in Council and Ordered that an answer be prepared thereof.

On reading at this Board the petition of Henry Howard Edward Tabb and others complaining of the undue and irregular election of a Vestry for Charles parish on the 29th of June last past, that the Votes of the parishoners were taken at their own houses twelve days before the day of the s^d Election & two days before publication of the order and diverse other irregularitys were committed in the same. And on hearing the arguments of the petitioners and their Council and of the said Vestry. It is the opinion of this Board that the aforesaid Election of a Vestry for Charles parish was not made pursuant to the order of the Council and therefore the same is declared null and void And to the end a Vestry for the s^d parish may be fairly freely and impartially elected and Chosen. It is hereby ordered that all the Freeholders and householders paying Scott and Lott within the said parish do meet at the Church of the said parish on Tuesday the second day of November next and then and there make Choice of twelve of the most able and discreet men of the said parish to be of the vestry for the same, And for the more regular proceeding on the s^d Election It is Ordered that Cap^t Lawrence Smith Sherif of York County attend at the time and place aforesaid and take the poll in manner following. To witt, That all Freeholders and householders paying Scott and Lott in the said parish have free Liberty of voteing at the said Election. That if any persons right of voteing as a Freeholder or householder shall be questioned the said Sherif is hereby impowered to administer an Oath to the person questioned in the same manner as is appointed by Law in the election of Burgesses. That the said Sherif shall seperately and apart demand of each Elector there present the names of twelve men most fitt and able to be of the Vestry and shall forthwith put in writeing the names of the persons whom such Electors shall verbally nominate to him, and haveing so reduced into writeing each respective Electors List or number of twelve men, he shall then examine all the said Lists and shall declare those twelve men to be the Vestry whom (upon Scrutiny) he shal find to have the most Votes, But in case the said Sherif shall not be able to conclude the poll on the afores^d day of Election he is hereby impowered to adjourne the same till the next day and so from day to day if Occasion require till the

poll be finished. Provided that no person who has once given his Vote as aforesaid shall be permitted afterwards to alter the same And forasmuch as this Board are informed that in the former Elections in the s^d parish diverse indirect practices have been used and some persons endeavoured to carry the Election in a tumultuous manner the s^d Sherif is hereby required to return the names of all such persons as he shall observe at this Election to be guilty in stirring up tumults as well as of such as shal appear to be Actors therein to the end they may be exemplarily punished And it is further Ordered that the said Sherif return to the Council office a List of the persons so elected with the particular List of the Electors and likewise a List of all such persons haveing right of Election within the said parish that shall absent themselves from the same And Ordered that publication hereof be made in the Church of Charles parish each Sunday between this and the day of Election by the Minister immediately after divine Service

October the 26th 1708

Present

The hon ^{ble} Edmund Jennings Esq ^r President	
Dudley Digges	Henry Duke
Benj ^a Harrison	John Smith
Robert Carter Esq ^{rs}	John Lewis
M ^r Com ^{ry} Blair	W ^m Churchill Esq ^{rs}

On reading in Council the Claime of Joshua Wynne Jn^o Evans and Jn^o Davis for their Service in going by order of this Board to the Tuscaruro Indians. It is ordered that there be allowed to each of the s^d persons the sum of nine pounds seven Shillings and six pence Amounting in all to £28:2:6 and that the s^d Sum together with the Sum of three pounds six Shillings laid out by Coll^o Harrison in and about the Tuscaruro prisoners be added to the contingent Charges of this half year & paid by the Receiver Gen^l but forasmuch as the s^d two articles are a Country charge It is ordered that the same be laid before the next Gen^l Assembly for allowance.

On the petition of the Pamunky Indians by two of their great men Leave is granted them to go to the Maherine & Nansemond Indians on their particular occasions & that a pass be given them accordingly they delivering to M^r Presid^t the names of such of their nation as they intend to go on that Journey.

Whereas the Pamunky Indians have complained that diverse of their nation are invigled away from their Residence at their town and from their being assisting to the s^d nation, by means of some of the neighbouring Inhabitants who entertain them viz^t Indian Robin who is entertained at M^r Henry Fox's George Tawhaw at Cap^t Thomas Terrys, Tom Rosen at Thomas pea's and Parrahoa amongst some of the Inhabitants unknown to the pet^{rs} It is Ordered that James Adams Interp^{tr} to the s^d Indians forthwith bring the Indians above named from the respective houses where they are harboured & entert^d and deliver them up to the s^d nation at their Town and in case he meet with any opposition herein that he make Report thereof to this Board.

The following warrants on the Rec^r Gen^l to be paid out of her Maj^{ty}s Revenue of 2^s per hogshead port dutys & head money were this day signed by the President & Council Viz^t

To Edmund Jennings Esq^r President of the Council for his Sallary from the 25th of April last to the 25th instant five hundred pounds Sterg

To Edmund Jennings Esq^r President of the Council for his house rent for the same time thirty seven pounds ten Shill^s

To the Gentleman of her Maj^{ty}s Council half a years Sallary ending the 25th of this moneth One hundred and seventy five pounds.

To W^m Blathwayt Esq^r Aud^r and Surveyor Gen^l half a years Sallary ending the same time fifty pounds

To Nathaniel Blackiston Esq^r Solicitor of the Virg^a affairs half a years Sallary ending the same time fifty pounds

To Stephens Thompson Esq^r her Maj^{ty}s Attorney Gen^l half a years Sallary ending the same time twenty pounds

To William Robertson Clerk of the Council half a years Sallary ending the same time twenty five pounds.

To M^r Com^{ry} Blair for so much paid sev^l Ministers for their attendance on Gen^l Court five pounds.

To Edward Ross Gunner at James City half a years Sallary ending the same time Seven pounds Ten Shillings

To William Robertson Clerk of the Council for severall exp^{ses} and other Contingent Charges fifty two pounds five Shill^s and three farthings.

Also To M^r Com^{ry} Blair half a years Sallary out of the Q^{tt}rents ending the same time fifty pounds, and

To M^r Attorney Gen^l half a years additional Sallary out of the Quittrents thirty pounds

The Account of her Maj^{ties} Revenue of Q^{tt}rents for the year 1707 was this day presented in Council by her Maj^{ty}s Auditor and Rec^r Gen^l & the said Receiver Gen^l haveing made Oath thereto it was passed in Council and certified by M^r President in the usual forme.

Ordered that M^r Attorney Gen^l prepare a proclamation notifying her Maj^{ty}s Royal approbation of the act of Assembly Entitled an Act for improveing the Staple of Tobacco and regulateing the size and Tare of Tobacco hogsheads and requireing all Magistrates and Officers to be carefull & diligent to put the s^d Law in execution against all persons that shall be found to offend against any of the Clauses thereof.

Whereas Robert Tomlin and Richard Bengare have been convicted before the Court of Richmond County for setting up Cask contrary to Law. Upon the application of the s^d Court & their representation that the Cask supposed to be made by the afores^d persons were not intended to be used for Tobacco Cask—the fines imposed on the said persons are hereby remitted.

Whereas Complaint is made to this Board that George Fountain a free Negro hath traded with the Tuscaruros since the proclamation prohibiting the same. It is Ordered that the Sherif of Prince George's County take the s^d Fountain into Custody till he give bond with good

security for appearance before this Board when he shal be called to answer the s^d Comp^{lt} and for his good behaviour in the meantime

Whereas the late proclamation for prohibiting Trade with the Tuscaruro Indians hath not had the desired effect, occasioned by the clandestine practice of diverse persons who under pretence of tradeing with the Nottoway and Maherine Tributary Indians and with other Nations in amity have by their means entertained a Commerce with the s^d Tuscaruros, for the preventing whereof for the future and to the intent the said Tuscaruros may thereby be brought to an acknowledgement of their fault in succouring and entertaining the persons suspected of the murder of Jeremiah pate and may be obliged to deliver them up to justice. It is ordered that a proclamation issue prohibiting all manner of persons to trade with the Tuscaruro Indians or any other Indians liveing to the Southward of James River and ordered that M^r Attorney Gen^{ll} prepare the said proclamation.

October the 28th 1708

Present

The hon ^{ble} Edmund Jennings Esq ^r President	
Benj ^a Harrison	Henry Duke
Robert Carter	John Smith
Philip Ludwell Esq ^{rs}	William Churchill Esq ^{rs}

Francis Ballard having petitioned this Board for allowance of £24:01:0 being for the diet & accomodation of seventeen of the French & Spanish prisoners sent from South Carolina in the year 1706, which the s^d Ballard took charge of as Sherif of Elizabeth City County, It is ordered that the s^d account be examined before the next Audit, and that then the said Ballard be paid out of her Maj^{ties} Revenue, of 2^s per hogshead what shal appear due to him & M^r President is desired to write to the Governour of South Carolina that the Claime of the s^d Ballard be paid with the other Charges of the s^d prisoners.

On the petition of Joseph Banister Ordered that a Commission be granted him to be Pilote in James River, the bay of Chesapeake and in York River as far as Tindals point he haveing produced sufficient Testimonys of his Capacity for that office.

On the representation of the Visitors and Governors of William and Mary College complaining that George Luke Esq^r Collector of the lower district of James River stands indebted to the said College a considerable Sum of money and delays payment, neither has any visible Estate in the Country to answer the same and also that they have been informed that a considerable quantity of Tobacco was carryed off from the Key at Hampton town on board her Maj^{ty}s Ship the Laystoff for New York without paying any duty which they conceive would not be done without the Connivance or negligence of the s^d Collector

Ordered that the said George Luke be served with a Copy of the said Representation and that he attend at the next Council to answer the same.

On reading this day in Council a memorial from the Visitors and Govern^{ers} of the College of William and Mary Setting forth that the Gen^l Assembly haveing granted to the s^d College an Imposition on all Skins & Furs exported out of this Colony, which Revenue being one of the most considerable they have & arises by Trade for many years carryed on with the Western and Southerne Indians. The said Trustees have received information that the Government of South Carolina have lately taken upon them to interrupt that Trade first by seizing the effects of the Traders and more lately by laying heavy Dutys equal to a prohibition on their Commoditys under pretence that the Indians with whom we trade live with in the bounds of their Charter and praying the consideration of this Board therein. It is the opinion of the Council that it is for her Majestys Service that M^r President lay a copy of the s^d memorial together with the Letters past between him & S^r Nathaniel Johnson on occasion of the interruption of our Trade before the Right hon^{ble} her Maj^{ty}s principal Secretary of State and the Right hon^{ble} the Lords Comm^{rs} for Trade to receive her Maj^{ty}s determination. And this Board are further of opinion that besides the reasons laid down in the s^d Memorial it is fitt to represent That the stopping the Indian Trade from Virginia & suffering it to be engrossed by the few Inhabitants of Carolina concerned therein, will be attended with consequences very dangerous to her Maj^{ty}s Service & the peace of her Maj^{ty}s Colonys in American, for the Inhabitants of Carolina not being able to supply the Indians with European Manufactures by reason they want the conveniencys of Shiping (and are now forced to purchase those Commoditys for rum and Spirits w^{ch} the Inhabitants of this Colony purchase with English goods) when once they have excluded Virginia from tradeing they will raise the price of their goods as they think fitt, the consequence whereof will be that the Indians who are near Neighbours to the French at Mis-chasippi will have their Supplys from thence and so the whole Trade not only in danger of being lost by the Avarice of a few private men, but which is worse the French will have it in their power to make use of those Indians to disturb her Majestys Subjects of these Colonys. On the other hand if the Indian Trade be kept open the cheapness of our goods will secure us the Friendship of the Indians already known to us and give encouragement for us to attempt the establishing a Commerce with other Indians yet unknown and undiscovered.

Joseph John Jackman haveing humbly represented to this Board the great inconveniency it is to him to be obliged to be Sherif of Surry County so much against his inclination, and the Charge he must be at in making the Quittrents and other her Maj^{ty}s dues in the s^d County convenient, and praying an allowance of 20 per Cent on all the Quittrents of that County as reasonable to make them convenient. It is the opinion of the Council that M^r Jackman be directed before he passes his accounts to lay before this Board a true Estimate of the Charge of making convenient all the inconvenient Tobaccos received in that County for her Maj^{ty}s dues that the Council may consider of a suitable allowance to be made for the same.

On the petition of Henry Cary Overseer for the building of the Governors house praying directions for his future proceedings since

the money advanced towards that Service is expended and the building not near finished. It is Ordered that M^r Henry Cary sell by Outcry or otherwise as may best advance the price so many of the s^d Negroes and of the Utensils not usefull for finishing the building as will Satisfy the four hundred pounds advanced by M^r Harrison and that he take care to cover the said house at least with planks to preserve it from the injury of the weather this winter, for payment whereof the Council conceive the remaining Negroes and other things in his hands will be sufficient Security till the Gen^l Assembly hath provided for defraying that Charge and finishing the work.

The petition of Henry Howard jun^r for a further allowance out of the Estate of Henry Whithaker a *felo de se* is ref^d to M^r Aud^r Digges to consider & report his opinion thereon.

On consideration of the sev^l petitions for the office of Keeper of the County goal It is recommended to M^r President if he finds the present Keeper capable and diligent in takeing care of the prison and Capitol to continue him till further order otherwise to putt in such person in that office as he finds most capable & can give best Security for keeping the same

Ordered that Edward Ross take care to clean all the Arms in the Storehouse at Jamestown so long as they continue there and it is recommended to M^r Presid^t to imploy such person to clean the arms now at the Capitol

On Reading the petition of W^m Robertson Clerk of the Council praying that pursuant to a Representation made to the R^t hon^{ble} the Lords Com^{rs} for Trade in the year 1701 his Sallary may be augmented to £100 Sterling per annum, the Council being satisfied that the business of that office is daily increased. Ordered that the Consideration of the s^d petition be referred till the next full Council.

October the 30th 1708

Present

The Hon^{ble} Mr President Jennings

Robert Carter Esq^r

Henry Duke

James Blair Com^{ry}

John Smith &

Philip Ludwell Esq^r

William Churchill Esq^{rs}

Whereas certain Indians lately attacked in the Night a party of the Nottoway Indians killing two of them and wounding an Englishman then in Comp^a with them, and this Board being informed by a Letter from Tho^s Wynne of Prince George's County to Coll^o Benj^a Harrison that the Nottoway Indians are persuaded that the Totteros are Actors in the said murder and desire Leave to pursue the s^d Totteros. It is the opinion of the Council that Leave be granted the s^d Nottoway Indians and any other of the Tributary Indians they can engage to go with them to pursue the s^d murderers and bring them to justice and in case of Resistance to attack & kill them & their Abettors & Coll^o Harrison is hereby desired upon the application of the s^d Nottoway Indians to supply them with such quantity of ammunition as may be necessary for this expedition.

November the 2^d 1708

Present

The hon ^{ble} Edmund Jennings Esq ^r President	
Robert Carter Esq ^r	John Smith
James Blair Com ^{ry}	and
Henry Duke Esq ^r	William Churchill Esq ^{rs}

For the better clearing the truth in relation to the interruption given our Traders by the Govern^r of South Carolina, It is ordered that Robert Hix and Crawley draw up an account of the said Governor's proceedings in the seizure of their Skins & Furs and of all Circumstances relating thereto & make Oath to the same before Coll^o Harrison.

On consideration of the acco^t of Dorctor Archibald Blair It is Ordered that there be paid him Seven pounds Sterling out of her Maj^{ty}s Revenue of 2^s per hogshead for medicines and attendance to severall prisoners in the public goal.

Ordered that the Keeper of the publick goal permitt Francis Biggs a prisoner the use of the Keepers room in the prison & provide him wth good bedding during his Sickness or that he be boarded out for recovery of his health.

Whereas Samuel Richardson one of the Tenants of the Gov^{ers} Land hath by his petition humbly represented to this Board the great injury done him by the Court of James City County's giving Leave to Major George Marable to Shutt up the ancient Road from the New Bridge to James City whereby not only the pet^{rs} Right in the s^d road but his property in his access to his own plantation is taken away and praying Relief therein. It is the opinion of the Council and accordingly Ordered that a *Supersedeas* be granted the pet^r to stop the execution of the order of James City County Court for shutting up the s^d road untill a full hearing of the whole matter before the hon^{ble} the Gen^l. Court.

Philip Ludwell Esq^r present

M^r Henry Cary Overseer for building the Gov^{er} house representing that he cannot prevail with the Workmen employed therein to proceed in covering the s^d house pursuant to the directions of this Board unless the arrears due to them (which amounts to near two hundred pounds) be first paid, but that done they are willing to cover the same and wait for their pay from the Gen^l Assembly. It is the opinion of the Council that M^r Benj^a Harrison the Countrys Treasurer be desired to advance two hundred pounds for the above Service out of the money in his hands arising by the late Impositions and this Board do engage that the said sum shall be refunded him out of the 2^s per hogshead if the Assembly do not allow the same in his accounts.

A motion being made that a new Commission of the peace be issued for Middlesex County. On Debate thereon, It is ordered that the Consideration thereof be referred till the next Council.

At a Council held at the Capitol
the 10th day of February 1709 [1709/10]

The Hon^{ble} Edmund Jenings Esq^r President
Dudley Digges Esq^r William Bassett
James Blair Commissary Henry Duke
Philip Ludwell Esq^r John Smith &
John Lewis Esq^{rs}

M^r President communicated to the Council severall Letters from the Right hon^{ble} Comm^{rs} for Trade which came by way of New York and are dated September the 2^d and December the 30th 1707 April 15th May 14 July the 7 & 13th August the 4th 1708 and the said severall Letters were read at the Board.

Whereas the Right hon^{ble} the Lords Comm^{rs} for Trade by their Letter of the 14th of May last past have been pleased to signify her Majestys pleasure for publication of two Acts of parliament (there-with sent) passed in the sixth and seventh years of her Majestys Reigne Entitled Viz^t An act for ascertaining the rate of foreigne Coin in her Majestys plantations in America and an act for the encouragement of the Trade to America It is Ordered that M^r Attorney Generall prepare a proclamation for publication of the said acts of parliament and that the Justices of the respective County Courts be directed to cause the said two acts of parliament to be lodged with the acts of Assembly in the office of the said County Courts & a proclamation was prepared accordingly.

Ordered that the Clerk of the Council transcribe the said Acts of parliament for the use of the respective Countys and that he [be] paid for the same out of her Majestys Revenue and the said Charges recommended to be reimbursed by the Assembly the same being for the publick Service and benefite.

Upon reading her Majestys additional Instruction dated the 3^d of July 1708 relating to severall Acts of trade lately passed in the parliament of Great Brittain It is the opinion of the Council that the naval Officers being the proper persons to inspect the execution of the acts of Trade and Navigation a Copy of the s^d Instructions be sent to them for their Direction.

On reading at this Board a petition of the Warr Captain and others of the Nansemond Indians in behalf of themselves and the rest of that Nation setting forth that by the prohibition of Trade with the Indians they are reduced to great Straits and that without a Supply of powder & Shott for their hunting they shall be in danger of starving and praying that in Consideration of their being Tributarys and of their constant obedience to the Government they may be supplied with powder & Shott for their necessary Occasions. It is the opinion of the Council and accordingly ordered that it be recommended to the hon^{ble} Collonel Benjamin Harrison to enquire into the wants and necessitys of the pet^{rs} or any other of the Tributarys and if it appears to him that the said Indians are really in want of powder and Shott for their Subsistance (which chiefly depends on their hunting) that in such Case he issue his warrant to the Commanding Officer of

the Militia in the Countys where the said Indians respectively inhabit to supply the said Indians with such a quantity of powder (not exceeding one pound a man) and a proportionable quantity of Shott if they desire it as may be necessary for their present occasions out of her Majestys Stores of war sent for the service of the said Countys to be paid by the said Indians at the Current rate in those Countys and acco^{td} for by the s^d Officers to her Majestys Receiver General.

M^r President acquainted that Captain Gordon of her Majestys Ship Maidstone bound for New York had been forced in hither by bad weather and that on the Captain's application he had supplied him with provisions out of the stores sent hither for the Ruby & Chester and had also given him Credit for one of the Anchors belonging to the York Merchant lately cast away.

On reading the petition of the new elected vestry of Charles parish and a Counter petition of diverse Inhabitants of the said parish It is ordered that the said petitioners have notice to attend the next Council to make out the allegations of their respective petitions and that the Sherif of York County be also required to attend at the same time to answer any objections that may be made against the late election of Vestrymen in the said parish.

The petition of Isaac Sanders for payment of a Debt due to him from the Estate of Henry Whithaker a *felo de se* is referred to M^r Auditor to examine the petitioners Claim and report the same with the other Claims against the said Estate.

M^r John Ince haveing (on the Resignation of John Redwood been appointed by M^r President to be Keeper of the publick Goal was this day approved by the Council and ordered that he give Security.

Diverse Masters of Ships petitioning this Board for Leave to sail for England in Company with severall ships of force which have her Majestys Lycense and are speedily bound out by whose means they conceive themselves in sufficient security from the Enemys Privateers The Council are of opinion that the ships pretended to be bound home-wards with her Majestys Lycense do not appear to be of sufficient force to defend and protect the petitioners in their Voyage and therefore they cannot be permitted to sail according to their desire.

A petition of Colonel William Wilson and other Inhabitants of Elizabeth City County was this day presented and read in Council wherein the petitioners sett forth the sev^{ll} particular informations given them of the designes of the Captains Crapeau & Pasquerreau two french privateers and their Accomplices to invade this Colony and that they have offered considerable Rewards to diverse persons taken prisoners by them to pylote them into James River York and Rappahanock and that one Hendrix lately an Inhabitant of North Carolina who formerly traded to Virginia and a Servant of one M^r Edward Thruston both well acquainted with the Channell of the said severall Rivers have taken up arms in the Enemys Service and are suspected to be made use of as Pylots in the aforesaid invasion. From all which the petitioners conceive Themselves in imminent danger without timely measures be taken for the defence of the Country On Consideration of the premises this Board haveing great Reasons to apprehend such

an invasion is designed and that the greatest danger is now in the Spring while the Country is destitute of a Guardship are of opinion that the Country be but in a posture of defence by exerciseing the Militia & haveing them in a readiness upon any alarm & appointing Lookouts in the usual places and that the following order be issued for that purpose.

Whereas This Board have received Credible informations that the Captains Crapeau & Pasquereau with diverse other French privateers fitted out in the West Indies have formed a design of invadeing this Colony and that they are assisted therein by one John Hendrix formerly an Inhabitant of North Carolina and a Trader to this Country & other her Maj^{ty}s Subjects who have taken up arms with the Enemy, & it being much to be feared that the said Privateers will endeavour to putt their said designs in execution this Spring For preventing whereof It is Ordered that the Commanders in Cheif of the Militia and in their absence the Commanding Officers for the time being in the respective Countys of this Colony forthwith appoint Masters of the Militia and in their respective Commands for training & exerciseing the Soldiers and that they take particular Care that the said Soldiers be provided with arms and ammunition according to Law & have their arms constantly well fixed & themselves in a readiness to draw together on an hours warning, hereby strictly chargeing all the said Officers to take particular notice of any person who on this Occasion shall prove deficient in their duty that they may be punished according to Law And it is further Ordered that the Commanding Officers af the Militia in the Countys of Elizabeth City Princess Anne Northampton and Accomack appoint fitt persons to be Lookouts in those Countys and take care that they diligently attend that Service in the usual Station with Suitable directions to them for giving Alarms upon discovery of an Enemy.

Ordered that a full Council meet here on the 18th of this moneth to consider further of putting the Country in a posture of Defence and ordered that expresses be forthwith dispatched to the Gentlemen of the Council that are now absent requireing their attendance on the 18th instant and that notice be given to the Subscribers of the petition from Elizabeth City County and to M^r George Walker (who has seperately intimated his haveing some proposals to offer for the defence of James River, that the Council will readily receive any of the proposals they have to offer for their Security and that they may depute some persons to attend the Council on their behalf

At a Council held at the Capitol
the 18th of February 1708

Present

The hon ^{ble} Edmund Jennings Esq ^r President	
Dudley Digges Esq ^r	William Bassett
James Blair Com ^{ry}	John Smith &
Philip Ludwell Esq ^r	William Churchill Esq ^{rs}

The Indisposition of severall Gentlemen of the Council and the disappointment of others in passing the Rivers haveing occasioned

a much thiner Council than was expected This Board do think fitt to defer the Consideration of the putting the Country in a posture of Defence and the proposals made for that purpose from Elizabeth City County till a full Council which is hereby appointed to meet the first day of March.

Ordered that a barrell of powder & a proportionable quantity of Shott with thirty Musquetts and Swords be sent to Yorktown and lodged at Major Buckners for the use of the Inhabitants in case any attempt be made on that place by the Enemys Privateers.

A Representation of William Byrd Esq^r for opening the trade with the Indians being read at the Board is referred to be considered at next Council And in the mean time It is Ordered that the Clerk of the Council prepare Letters for M^r Presidents signing to be sent to all the Indian Traders requireing them not to sell any Goods to the Inhabitants of Carolina who by the supplys they have hitherto given the Tuscaruro Indians have frustrated the effect of the late proclamation and made them less forward to give the desired Satisfaction in relation to the Murderers of Jeremiah Pate.

Ordered that a Letter be prepared to be sent to the President & Council of North Carolina desireing them to prohibit the supplying the Tuscaruros with ammunition from thence till they have given Satisfaction to this Government for delivering up such of their Nation as were guilty of the murder committed in this Country.

M^r President acquainted the Council that Collonel Miles Cary Naval Officer of York river is lately dead and that he believed it would be very acceptable to the Governor (who is speedily expected) to find a place of so Considerable a profite to be disposed of to any one he had a mind to oblige for her Majestys Service but there being a necessity that this Office should be supplied in the mean time he desired the advice of the Council concerning a fitt person to be putt in that Office for which he had received applications from severall persons he then named Whereupon the Council are of opinion that M^r Nathaniel Burwell is a person fitly qualified to execute the said Office and because there is a necessity that some person be impowered to take care of entering and Clearing Ships till a Naval Officer be sworne Major Buckner is hereby impowered and authorized to sign the Naval Certificates and permitts in the mean time.

On reading this day in Council the petition of the late elected Vestrymen of Charles parish with a Counter petition of sundry Inhabitants of the said parish complaining of the said Election And on hearing the allegations of both partys It is the opinion of the Council that the said Election was fairly and regularly made according to Law and the directions of this Board and that it doth appear by the Return that Eleven of the said Vestrymen were chosen by a great Majority of the Inhabitants and it appearing also that there are two others returned who had an equal number of Votes It is the opinion of the Council that the Sherif amend his return by strikeing out one of them to make the number of the said Vestry twelve and the return being amended accordingly It is ordered that Henry Howard, Thomas Nutting, Thomas Chisman, Thomas Roberts, Robert Curtis, Henry Howard junior John Drewry John Doswell, Jn^o Doswell junior, Simon

Stacy, Edward Tabb and Anthony Robinson being duly Elected as aforesaid be sworne of a Vestry and that a *Dedimus* issue for that purpose directed to Robert Read and W^m Buckner Gent or any one of them to administer to the said Vestrymen the Oaths and Test prescribed by Law for qualifying them for the said Offices.

The minuts of this and last Council were read over and approved

At a Council held the first of March 1708

Present

The hon ^{ble} Edmund Jenings Esq ^r President	
Dudley Digges	Philip Ludwell
Robert Carter Esq ^{rs}	William Bassett
M ^r Com ^{rs} Blair	Henry Duke &
	John Lewis Esq ^{rs}

The Council takeing into their serious Consideration the severall Informations received from diverse persons of the designs of diverse French Privateers on this Country and Calling to mind the Success those privateers had last spring in interrupting the trade before the Guard ship arrived and their boldness afterwards of advancing to the very mouth of James River & York in the sight of her Majestys Ships of war from which it may well reasonably be feared they will be earlier and bolder in their attempts this Spring and may prosecute them with greater security now when the Country is defenceless by Sea & very uncertain of the arrival of a Guardship and haveing fully debated the sev^l means proposed for defending the Country against the designs of the Enemy came to the following Resolutions Viz^t That it is necessary in the first place to putt the Country in the best position of Defence by Land and for that end that there be a sufficient number of Lookouts appointed in the severall places hereafter mentioned Viz^t From Cape Henry along the Seaboard side of Princess Anne County towards Corratuck two men. From Cape Henry to Linhaven River two men. On point Comfort Island in Elizabeth City County two men, On New point Comfort in Mockjack bay two men, On Gwins Island two men, On the South point of Rappahanock River two men On Windmill point two men, On Damerons point in Wiccomico two men, On the Seaboard side of the Eastern Shore two men, and On the bay side thereof the like number and on Mockon or Smiths Island two men which said Lookouts are to be Chosen by the Commander in Chief or Commanding Officer of the Militia in the respective Countys of such men as have had experience in Sea affairs and who may be able by observing the Courses and Actions of any Ship or Vessell they discover at Sea or in the bay to make a right Judgement whether they be Enemys and the said Lookouts are to releive each other by turns for the better keeping a Constant Watch and shall be allowed each other twenty Shillings per month for their trouble.

That for the better alarming the Country upon the approach of an Enemy there be great Guns planted at or near the severall places following according to the directions of the severall Commanders in Cheif or commanding Officers of the Militia shall think fitt Viz^t Some

where on the bayside near the Southside of Linhaven River One gun to be brought from Nansemond or otherwise provided by the commanding officer of Princess Anne, At M^r George Walkers in Eliza City County one Gun On or near Chews point One Gun to be brought from Tyndales point or Sarahs Creek On or near New point Comfort One gun to be taken from Tyndale point or Sarahs Creek, On the South point of Rappahanock River One gun to be taken from M^r Wormelys plantation at Rosegill, and for the Eastern Shore One gun to be sent from Sarahs Creek to Major Custis's house or otherwise provided by the Commander in Cheif of the said County and the Lookouts appointed in those sev^l precincts are hereby directed upon discovery of an Enemy to give notice to the person intrusted to give Alarms who upon such notice is forthwith to cause the said Great Gun to be twice fired to alarm the Country for w^{ch} end the respective Commanding Officers of the Militia are to lodge a suitable quantity of powder out of her Majestys Stores sent for the use of their Countys and upon the hearing of the signal of Danger from any of the s^d places the same signal is to be answered by the next person so appointed to give alarms that so the whole Country may have notice. And because it is necessary that besides the signals hereby appointed which may be mistaken or not heard by the most inclined Inhabit^{ts} there should be certain notice of the danger sent to the Commanding Officer of the Frontier Countys and from him to the Governor or President for the time being for which there was provision made by a Law now expired. It is the opinion of the Council that M^r President issue his Warrant to the Commanding Officers of the Militia in the respective frontier Countys that they give in Charge to the Lookouts forthwith to advertise the next feild officer of that County on the discovery of any danger & that upon such notice the feild Officer forthwith impress man & horse or boat & hands as Occasion may require to carry advice to the Governor or President and at the same time to advertise the next feild Officer of the adjacent County of the said danger. Which such Commanding Officers or other officers haveing received such advice shall thereupon draw together so many of the Militia as he or they shall think fitt & necessary & march with them to resist and repell the invasion and attack & destroy the Enemy and act and do in all things as by the Commanding Officer or Officers for the time being with the advice of the Commissioned Officers on the place shall be adjudged of most advantage for defence of the Country and repulseing the Enemy untill further orders from the Commander in Cheif of this her Majestys Colony and that if there be occasion for transporting men arms or Ammunition over any Creek or River that the said Officers be impowered to impress Sloops boats or Flatts as Occasion shall require and also to take up arms & ammunition wherever they are to be had causing the same to be first valued & appraised by two honest men upon Oath in order to the satisfying the Owners for the same.

And that the arms and ammunition sent out of her Maj^{ty}s Stores for the Use of the severall Countys be distributed to such persons as the Commander in Cheif for those Countys shall think fitt.

And forasmuch as all the precautions taken for the necessary defence of the Country at land will be of little use to hinder the sud-

dain landing of privateers (who may in the Night come ashore & burn & plunder the Inhabitants about the mouths of the Rivers unless there be a Vessell manned and appointed to cruise in the bay to discover their approach which may also be able to attack any small privateer or hinder the landing of their men or in case of greater force give a quick Alarm to the Country. This Board are of opinion that Considering the present danger It is for her Majestys Service that a Vessell of Eight or ten guns and fourscore men be forthwith fitted out for cruising in the bay wth suitable instructions to the Commander for annoying the Enemys if he see an opportunity or alarming the Country in case of a superior force and Ordered that Coll^o W^m Rhett be treated with for his Brigantine being a fitt Vessell for that purpose and the Charge thereof be defrayed out of her Majestys Revenue of two Shillings per hogshead and recommended for reimbursement to the Gen^l Assembly.

Ordered that the Naval Officers acquaint the Masters of Ships in their Districts that it is the express order of this Board that they do not suffer any Guns to be fired on board their Ships on any pretence whatsoever dureing this time of Danger from the Enemys Privateers.

Ordered that no Pilot or other person liveing on the Sea or bay presume to go on board any Ship or Vessell they see there untill by sending their boat on Shore or some other assurance they are satisfied that the said Ship or Vessell doth not belong to an Enemy and that this order be published by the Sherifs of the severall Countys joyning on the sea or bay.

Mr President acquainted the Council that upon the first advice of the impending Danger he had written by way of Pensilvania to the Lord Lovelace Governor of New York and also by the Maidstone now bound thither to request that one of the men of War sent for that province may be ordered to Cruise as far as our Capes and as Occasion Offers to call in for our Defence against Privateers which the Council approve of as being for Majestys Service, but because the passages of Mr Presidents former letters is uncertain, It is the opinion of the Council that an express be sent over land to press as much as may be the dispatch of one of the said men of War and to bring back an answer whether that assistance may be depended on.

It is the opinion of the Council that it is for her Majestys Service to represent to her Maj^{ty} by her principal Secretary of State and the Right Hon^{ble} the Lords Comm^{rs} for trade the informations received of the designes of the French Privateers and the great and apparent danger their Country is in through the want of Guard ships to defend our Trade and Coasts how much we are exposed to the attempts of an Enemy by the openness of our Rivers and the remote and disperst manner of our Inhabitants from w^{ch} nothing but a Naval force can defend us, how great a prejudice her Maj^{ty} receives in her Customes by the loss of the labour of a great many poor people who liveing in continual fears & being harrassed with the frequent Alarms of an Enemy are rendered careless and unactive in their Employments, and if the Country be invaded must totally lose their Crops for this year and that the present Resolutions of fitting out a Vessell which the Council have so unwillingly entered upon at so great a Charge to her Maj^{ty}s

Revenue was absolutely necessary for quieting the minds of the people who otherwise would hardly have been persuaded to continue on their plantations. And the Council do request M^r President to make this representation in the most pressing termes he can & humbly to supplicate that some care May be taken for the Security of the Inhabitants of this Country whose Labour brings in so great a Revenue and is so beneficial to the trade of her Majestys Kingdome of Great Britain.

Whereas This Board are informed that certain Inhabitants of North Carolina have been indeavouring to purchase ammuniti^{on} and other goods in this Country with a desigⁿe to sell the same again to the Tuscaruro Indians and it being very apparent that the supplys the said Indians have hitherto had from thence has been the Cause of their delaying to deliver up to justice those Criminals who committed the late murder is this Colony. The Council do therefore strictly prohibite all persons within this Colony to furnish or sell any powder Shott or other Indian tradeing goods whatsoever to any of the Inhabitants of Carolina or any other person for their Use Certifying all such as act contrary hereunto that they will look on them as Traders with the Tuscaruro Indians and proceed against them accordingly and Ordered that the Sherifs of the severall Countys cause this order to be published at the respective Churches and Courthouses of their said Countys.

The Council takeing into Consideration what was proposed by M^r President at the last Council concerning the calling of an Assembly are of Opinion that the Assembly would not be of use for the defence of the Country since the danger must be over before the Assembly could be Convened nor is there any other imediate Occasion for their meeting at this Time.

Philip Ludwell Esq^r Absent

The Council haveing heard the proposals of Coll^o W^m Rhett for hyreing of his Brigantine Seaflower for her Maj^{ty}^s Service came to this agreement. That the said Coll^o Rhett shall with all convenient speed fitt up the said Brigantine with all Rigging furniture Tackle & aparell anchors and Cables fitt for sailing and shall make and fitt port holes for ten guns and also provide & make ten Oars and Conveniencys for using them on board the said Brigantine and shall then deliver the said Brigantine so fitted to such person as shall be appointed to receive the same at Kiquotan In consideration whereof the Council are from the time of the delivery of the said Brigantine to receive her into her Majestys Service for the space of ten Weeks at the Rate of fifty pounds per month and at the expiration of that time to deliver her unto the said Owner or his order in good Condition (the necessary Wear & Tare excepted) or in case the said Brigantine shall be lost in her Maj^{ty}^s Service to pay unto the said Coll^o Rhett or his order the sum of four hundred pounds Sterling in full of all Damages for her Value & Service.

Resolved That it be left to M^r President to appoint and Commissionate a Captain and all other necessary Officers on board the

Brigantine hyred for her Maj^{ty}s Service that there be fourscore men includeing Officers Shiped on Board the said Brigantine that the pay of each Seaman be thirty shillings per month That the pay of the Officers be left to M^r President as also the furnishing provisions guns, small arms & ammunition & prepareing Instructions for the Commander and generally other matters relateing to the fitting out and ordering the said Vessell and in case of Difficulty to advise with any of the Council who live nearest.

Ordered that an account be given to the Governor of Maryland of the preparations made for the defence of the Country and the grounds for so doing and to desire intercession of procureing a suitable assistance from that province towards Defraying that Charge it being for their safety as well as of this Colony.

M^r Nathaniel Burwell being commissioned to be Naval Officer & Collector of the Virginia Dutys in York River was this day sworne in Council haveing given bond with Lewis Burwell & Robert Carter Esq^{rs} his Securitys for the discharge of his Office.

At a Council held at the Capitol
the 15th of April 1709

Present

The Hon ^{ble} Edmund Jennings Esq ^r President	
Dudley Digges	Philip Ludwell
John Custis Esq ^{rs}	Henry Duke
James Blair Com ^{rs}	John Smith &
William Churchill Esq ^{rs}	

M^r President acquainted the Council that pursuant to the Resolutions of this Board at their last meeting the Brigantine Seaflower is fitted out for her Majestys Service That he had appointed Captain William Holloway of whom he had received a good Character to be Commander of that Vessell and had given him a Commission & Instructions for the intended Service which Instructions he laid before the Board and the same were read and approved.

Present John Lewis Esq^r

Whereas This Board have received informations that a Privateer Sloop belonging to the Enemy hath taken a Vessell off the Capes and hath since come into the bay as far as Point Comfort and hath been seen thereabouts for severall days together and Whereas the Brigantine Seaflower is not in a Condition to go out and engage the said Privateer by reason of her want of men; It is the opinion of the Council that it is necessary for her Majestys Service and the defence of the Country that the said Brigantine be maned and for the more speedy obtaining of men for that Service with the least prejudice to the trade, It is Ordered that Captain Holloway be impowered and directed to take out of the Merchant Ships in the Country that are now laded and wait for Convoys as many men as can possibly be spared without endangering the said Ships untill he hath his Complement assuring the Masters of the Ships that their men shall be returned

them at the expiration of one moneth or six Weeks at farthest from this date or sooner if a Convoy arrives to carry them for England and for encouragement of the said Seamen that he assure them of their being duly paid in the Country at the rate of thirty shillings per moneth for the time of their being on board and in case they take any prize that they shall have their share thereof and of the bounty money for the men on board the same according to the late acts of Parliament and her Majestys proclamation and if any of them be wounded or maimed in the service they shall have the same bounty money and pension as is allowed in her Majestys Navy and ordered that a Warrant be given to Captain Holloway for impressing such men in case they do not enter themselves Voluntarily in the said Service.

For the better supplying the Brigantine Seaflower with men in case her Complement be not made up by the seamen from the Laden Ships It is ordered that a proclamation issue for encourageing Seamen or able bodyed Landmen to list themselves in the said Service mentioning the pay and other encouragements they are to have & a proclamation was prepared accordingly.

Ordered that if the Brigantine Seaflower shall not be supplied with her Complement of men from the Laden Ships and the Volunteers that are expected to come in upon the proclamation issued for that purpose the Commander in Cheif or Commanding Officer of the Militia of every County be impowered and Required upon the application of Captain W^m Holloway Commander of the said Brigantine or his Officers to cause to be impressed all vagrant and idle persons and such as have no visible Estate nor Employment to live on and to cause them to be Conveyed on board the said Vessell for her Majestys Service

Ordered that it be an instruction to Captain Holloway that whenever any of the Enemys Privateers come within the Capes and any of the Inhabitants shall offer themselves as Volunteers to go out and fight the said Privateer he do receive every such person on board and accomodate them with Victuals although he have at the same time his full Complement of men on board and after that particular Service is over to suffer the said Volunteers to return on shore at their pleasure.

M^r President laid before the Council two Letters from his Excellency the Lord Lovelace Governor of New York being in answer to what he writt his Lordship by the Councils advice for sending the man of War in that Government to cruise as far as our Capes which his Excellency hath been pleased to grant also [a] Letter from his Excellency Coll^o Seymour Governor of Maryland in answer to what the President writt to him for assisting this Government in defraying the Charge of the Birgantine Seaflower fitted out for defence of the Country whereby his Excellency was pleased to intimate the little hopes there is of obtaining any assistance from the Country and the said Letters were read at the Board.

Upon reading a Letter to M^r President from Captain Fane Commander of her Majestys Ship the Laystoff signifying his intensions of calling here about the first of May to take under his Convoy such Ships as shall be ready to sail with him for Brittain and desireing he may be speedily informed whether the Ships will wait for his Convoy And it is ordered that the said Letter be sent by an Express to the

Governor of Maryland with a request to him to forward the same to Captain Fane together with an account what Ships are in his Government that Captain Fane may know what Service he will do her Maj^{ty} and the Trade by Convoying so many Ships.

Whereas it hath pleased God to afflict diverse parts of this Country with a pestilential and infectious Sickness which has swept away great numbers of the Inhabitants It is ordered that a solemn Fast be observed and kept throughout the whole Colony on Wednesday the 18th of May to implore the divine mercy in removing this grievous and publick Calamity and ordered that a proclamation be prepared accordingly.

Aprill the 18th 1709

Present

The hon ^{ble} Edmund Jenings Esq ^r President	
Dudley Digges	Philip Ludwell
Robert Carter	Henry Duke
John Custis Esq ^{rs}	John Smith
James Blair Commis ^{ry}	John Lewis, and
William Churchill Esq ^{rs}	

M^r President desireing the advice of the Council in what manner Orders shall be issued for clearing the Ships in the Country in case Captain Fane shall arrive to take them under his Convoy when the Council are not Convened. It is the opinion of this Board that Whenever Captain Fane arrives and gives Notice of the day he intends to depart with the trade M^r President give directions to the Collectors and Naval Officers for clearing Ships accordingly.

Aprill the 26th 1709

Present

The hon ^{ble} Edmund Jenings Esq ^r President	
Dudley Digges	Henry Duke
Benj ^a Harrison	John Smith
Robert Carter Esq ^{rs}	John Lewis
John Custis Esq ^r	and
Mr Com ^{ry} Blair	William Churchill Esq ^{rs}

Whereas the late prohibition of Trade with the Indians has not had the desired Effect by reason of the supply of ammunition and other goods which they have had from North Carolina and the Land-destine trade they carryed on with them by some of the Inhabitants of the Frontier plantations. And on Consideration of the desire of severall Indian traders in this Colony whose goods are like to perish on their hands while the Inhabitants of North Carolina enjoy the benefit of the Indian trade, This Board have thought fitt to take off the restraint on the said Indian trade and to grant free Liberty to all persons to trade with all Indians whatsoever in the same manner as they used to do before the said prohibition and a proclamation was prepared accordingly.

Whereas Captain Holloway Commander of the Brigantine Seaflower hyred for the defence of the Country hath represented to this Board the difficulty of obtaining men for the said Vessell either by the voluntary listing of Land men or by the Seamen from the Merch^t Ships that are loaded & it being necessary that the said Brigantine be forthwith manned, It is the opinion of the Council that such Vagrant persons as have no Visible Estate or imployment (of which there are many in the adjacent Countys) be impressed for this Service & it is ordered that Warrants be issued to the persons under written Justices of the peace to impress the sev^{ll} numbers of men out of the respective Countys following Viz^t To W^m Broadnex & Edw^d Jacquelin Gent to impress or cause to be impressed five men out of James City County, To Thoms Ballard & W^m Buckner for five men out of York County, To W^m Cary & Miles Wells Gent^s for five men out of Warwick County, To Nathaniel Burwell & Richard Baily Gent for five men out of Gloucester County, To W^m Wilson & Nicholas Curle Gent for five men out of Elizabeth City County, To Thomas Jordan & Joseph Merriday for five men out of Nansemond, To James Wilson & Samuel Boush Gent for five men out of Norfolk County, To Edward Moseley & Henry Spratt Gent for five men out of Princess Anne County & to W^m Waters & John Powell Gent^s for five men out of Northampton County, Which said impressed men are to be sent by the Sherifs of the respective Countys to Kiquotan and delivered there to Captain Holloway or to Coll^o Wilson in order to be sent on board the said Brigantine for her Majestys Service.

Post Merediem Absent John Custis & Henry Duke Esq^{rs}

M^r President by advice of the Council did this day nominate the following persons to be Sherifs for the ensuing year Viz^t

Accomack.....	John Brodhurst
Charles City.....	W ^m Kent
Henrico.....	W ^m Randolph
Prince George.....	Jn ^o Hamlin
Surry.....	Jo ^s Jn ^o Jackman
Isle of Wight.....	Henry Applewhite
Nansemond.....	Tho ^s Jordon
Norfolk.....	Math ^w Godfrey
Princess Anne.....	Jn ^o Richardson
Elizabeth City.....	Tho ^s Tabb
Warwick.....	Matthew Jones
York.....	Lawrence Smith
New Kent.....	George Keeling
James City.....	John Frayser
King W ^m	Tho ^s Carr
King & Queen.....	Rich ^d Anderson
Gloucester.....	Rob ^t Porteus
Essex.....	Jn ^o Lomax
Middlesex.....	George Wortham
Richmond.....	W ^m Thornton
Lancaster.....	Tho ^s Carter
Northumberland.....	Thomas Cooper

Westmoreland.....Jn^o Farmer
 Stafford.....George Anderson
 Northampton.....Henry Stringer

Henry Cary Overseer appointed for building the Governors house haveing by his petition sett forth how farr he hath proceeded in the said building and that the Slate sent in for Covering the said house is so broke that there is above one third not fitt for use and representing that if the said roof is not speedily covered the timbers will be in danger of rotting and decaying with the rain. It is the opinion of the Council that M^r Cary cause the roof of the Gov^{ers} house to be Shingled as soon as may be to preserve it from those injurys he is apprehensive of.

On the petition of John Henmore he is appointed Pilot in Potomac River and Ordered that a Commission be granted him accordingly.

On the petition of seven members of the late elected Vestry of Charles parish Who have qualified themselves setting forth that the other five persons Chosen of the said Vestry have refused according to law to take their Oaths or act as Vestrymen & desireing the advice of the Board whether the petitioners may act as a Vestry and proceed to Chose others in the room of those that have refused to qualify themselves, The Council are of Opinion that the five persons that have refused be again desired to qualify themselves & in case they shall refuse then the pet^{rs} may Choose five other of the most able and discreet freeholders to Compleat the number of the said Vestry.

Ordered that the four men that mutinyed on board the Brigantine Seaflower be put on board the first man of War that arrives and that they be kept in prison in the mean time.

M^r President desireing the advice of the Council whether the Brigantine Seaflower shall be discharged at the expiration of the ten Weeks for which she was hyred in case a Guard ship do not arrive. The Council are thereupon of Opinion that it is for her Maj^{ty}s Service that the said Brigantine be employed for defence of the Country till a Guard ship arrives for that purpose

Aprill the 30th 1709

Present

The Hon^{ble} Edmund Jenings Esq^r President
 Dudley Digges M^r Commissary Blair
 Benjamin Harrison Philip Ludwell
 Robert Carter Esq^{rs} John Lewis &
 William Churchill Esq^{rs}

On the petition of the Vestry of Martin Brandon Ordered that a *Dedimus* issue directed to the Justices of Prince George's County for administering to the said Vestry the Oaths appointed by Law for qualifying them for their said Offices.

The following Warrants on the Receiver Gen^l to be paid out of her Majestys Revenues of two Shill^s per hogshead &c were this day signed by the President & Council Viz^t

To Robert Hunter Esq^r her Maj^{ty}s Lieutenant & Gov^r Gen^l of Virginia for nine moneths & twenty days sallary ending the 25th of

this instant April four hundred & nine pounds four Shillings & Eleven pence Sterling.

To M^r Com^{ry} Blair half a years Sallary ending the 25th of this instant fifty pounds

To Stephens Thompson Esq^r Attorney Gen^l half a years additional Sallary ending the same time thirty pounds.

And Out of the 2^s per hogshead

To M^r Presid^t half a years Sallary ending the 25th instant five hundred pounds.

To M^r President half a years house rent ending the same time thirty seven pounds ten Shillings

To the Gentlemen of her Maj^{ty}s Council half a years Sallary ending the same time One hundred Seventy five pounds.

To W^m Blathwayt Esq^r Auditor Gen^l of the plantations half a years Sallary ending the same time fifty pounds

To Nathaniel Blackiston Esq^r Solicitor of the Virginia affairs half a years Sallary ending the same time fifty pounds

To Stephens Thompson Esq^r half a years Sallary ending the same time twenty pounds

To William Robertson Clerk of the Council half a years Sallary ending the same time twenty five pounds

To William Robertson for so much paid by him for severall Expresses and other Contingent Charges this half year Sixty two pounds Eleven Shillings & ten pence

To M^r Com^{ry} Blair for so much paid severall Ministers for their attendance one General Court five p^{ds}

To Edward Ross Gunner at James City Seven pounds ten Shillings
It being Represented to this Board in behalf of the Indian Traders that in order to their more safe & undisturbed proceeding in their trade with the Western and Southern Indians It is necessary they have Testimonials under the Seal of the Collony to manifest to the Officers of South Carolina their being Inhab^{ts} of this Colony and having free Liberty to trade with all Indians whatsoever. It is the Opinion of the Council and accordingly Ordered that Memorials under the Seal of the Colony be given to all such Indian traders Inhab^{ts} of the Colony as desire the same expressing her Majestys gracious Instructions for an open trade with all Indians and the late act of Assembly for that purpose.

The Minuts of Council from the last reading were this day read over & approved.—

At a Council held at M^r Presidents house the 2^d of June 1709

Present

The Hon ^{ble} Edmund Jenings Esq ^r President	
Dudley Digges Esq ^r	John Smith
James Blair Com ^{ry}	and
Philip Ludwell Esq ^r	John Lewis Esq ^{rs}

Whereas Thomas Morgan and John Wintes prisoners in the Common Goal for mutiney on board the Brigantine Seaflower have humbly

acknowledged their fault and petitioned for pordon, It is Ordered that they be again admitted on board the said Vessell only in the quality of foremost men upon their asking the Captains pardon publickly before the Ships Company and upon condition also that they behave themselves well for the future and do their duty while they are in the Service.

On reading at this Board a Letter from Captain William Holloway Commander of the Brigantine Seaflower concerning several late disorders committed on board the said Vessell and upon consideration of the acknowledgem^t and Submission of the persons concerned therein. It is the opinion of this Board that the said persons be not tryed for this first Offence by a Court Martial but that it be left to the Captain to punish the Offenders according to his discretion agreeable to the rules and practice in her Majestys Navy.

Ordered that John Magen^s & George Wood who mutinyed on board the Brigantine Seaflower be remanded to prison and putt on board the first man of War that comes in they being Deserters from her Majestys Service.

This Board being informed that diverse of the men on board the Brigantine Seaflower are unfitt for Service, It is ordered that Captain Holloway discharge all men from on board the Brigantine Seaflower that are not Sailors or able bodyed Land men allowing the discharged men at the rate of eighteen Shillings month and that he endeavour to make up his Complement with men fitt for Service who are to be paid according to the proclamation.

On the petition of Lawrence Smith, William Barber and William Robertson complaining that the Vestry of Charles parish have refused to make them any Satisfaction for their trouble in the several orders for settling that Vestry.—Ordered that in case the said Vestry do not pay the petitioners for their Services before next Council that then the Churchwardens be summoned to attend this Board to then cause why then refuse the Same.

At a Council held at the Capitol the 21st of June 1709

Present

The Hon ^{ble} Edmund Jenings Esq ^r President	
Dudley Digges Esq ^r	Henry Duke
James Blair Com ^{rs}	and
Philip Ludwell Esq ^r	John Smith Esq ^{rs}

M^r President communicated to the Council a Warrant under her Majestys Royal Sign Manual bearing Date the 21st of March 1708/9 for paying unto the Visitors and Governors of the College of William and Mary the Sum of five hundred pounds Sterling out of her Majestys Revenue of Quittrents towards rebuilding the said College and the same being read. Ordered that a Warrant be prepared for the Receiver Gen^l paying the said sum unto the said Visitors and Governors or their order.

Her Majesty haveing been graciously pleased by her Royal Letter directed to Robert Hunter Esq^r Lieutenant and Governor Gen^l

of her Majestys Colony and Dominion of Virginia & dated the 23^d of December 1707 which was this day communicated to this Board to allow unto the said Robert Hunter one moiety of the Governors Salary of two thousand pounds per annum from the death of Coll^o Edward Nott untill his arrival in this Colony and publication of his Commission and to impower him upon such his arrival to take to himself out of any of her Majestys Revenues so much as the said moiety shall amount to. On consideration of the said Letter it is Ordered that a Warrant be issued unto the Receiver Gen^l for paying unto the said Robert Hunter Esq^r two thousand pounds Sterling being the one moiety of the said Sallary for two years next after the death of the late Governor Coll^o Nott there being certain advice that Coll^o Hunter was alive at the expiration of that time.

M^r President acquainted the Council that he had by the late Convoy received severall Letters from the Right Hon^{ble} the Lords Commissioners for Trade viz the Copy of a letter dated the 26th of March 1707 being in answer to the Letters sent their Lord^{ps} from this Board on the Death of Coll^o Nott, a letter of the 12th of January 1708/9 and another of the 10th of March last enclosing an Instruction from her Maj^{ty} concerning the patenting of Land which said Letter and Instructions were read and the consideration of the several matters therein contained are referred till next Council

Robert Carter and John Lewis Esq^{rs} Present

Whereas Captain Roberts Commander of her Majestys Ship Southsea Castle is arrived here as Convoy to the Trade lately arrived and hath informed this Board that he is (by his orders) to stay here 90 days from his arrival (which was the 12th of this month) and then to proceed to Great Brittain with the Trade that shall be ready to joine him. It is ordered that the Naval Officers give notice to all Masters of Ships in their Districts that if they intend to take the benefitte of that Convoy they take care to prepare themselves accordingly.

Whereas some of the Seamen belonging to her Majestys Ships of war now in this Colony have attempted to make their escape from on board the said Ships and it being probable that some of the Seamen putt on shore for the recovery of their health will make the like attempts It is ordered that a proclamation issue for apprehending and securing all Seamen that shall be found stragling about the Country and to cause them to be conveyed on board her Majestys Ships of war at point Comfort.—

Whereas Her Maj^{ties} Ship the Garland commanded by Captain Cook is arrived here for the defence of this Country whereby there appears no further occasion for continueing in pay the Brigantine Seaflower. It is ordered that the said Vessell be forthwith discharged and the arms and Stores of war on board be lodged in the Capitol and that the Officers and Seamen be paid off for which purpose the Rec^r Gen^l is directed to lodge money at Williamsburgh.

Ordered that the Lookouts appointed in the several Maritime Countys be discharged untill further order and that they send to the Council Office an account of the time they have been on that Service.

Jn^o Rodrige Master of the Pink William and Hanah of Falmouth petitioning this Board that the present Loading of Tob^o on board his Ship may be discharged of the duty of two Shillings per hogshead in lieu of a greater quantity which he lost out of the said Ship by being drove ashore at the mouth of James River in a violent Storme which happened last February. It is the opinion of the Council that the present Loading not belonging to the same Owners as that which was cast away no such allowance can be granted the petitioner. But that whenever the same Owners shall ship as many hogsheads on their own proper account as the quantity lost they may be allowed to export the same free of the duty of two Shillings per hogshead.

On the petition of Robert Clements Master of the Ship Lawrell of Leverpole. Ordered that the Naval Officer and Collector of York River have leave to clear the said Ship in order to joine the Convoy expected from New York.

Upon reading a Letter from M^r Benjamin Harrison giving an account of a murther committed by some Nottoway and Tuscaruro Indians on two of the Saponie Indians within this Government. It is Ordered that the said Letter be sent to the hon^{ble} Coll^o Harrison to whom it is referred to make inquiry what are the persons concerned in the said Murder and what Satisfaction the Saponies can have in this particular according to the Custome of the Indians and make Report thereof together with his opinion on the whole matter against next Council.

At a Council held at Williamsburgh the 4th day of August 1709

Present

The Hon ^{ble} Edmund Jenings Esq ^r President
Dudley Digges Esq ^r Philip Ludwell
James Blair Com ^{ry} Henry Duke Esq ^{rs}

Whereas M^r Robert Porteus who was appointed Sherif of the County of Gloucester hath refused to take on him the execution of that Office to the great hindrance of justice in that County. It is ordered that M^r Attorney Gen^l prosecute the said Porteus at the next Gen^l Court for his Contempt, and for removeing any further inconveniencys that County may suffer Richard Bailly Gent is appointed Sherif of the said County for this present year.

On the petition of the Pamunky Indians It is Ordered that the pass formerly desired by them for going to the Southern Tributary Indians be now given them with directions for them to call on Coll^o Harrison and if he apprehends there may be any danger in their proceeding further on their Journey by means of the differences between the Nottoway and Saponie Indians to desire him to send the Interpreter to conduct them to the Town of the former.

Upon reading this day a Representation from Princess Anne County of their want of Justices. It is Ordered that a new Commission of the peace be issued with the addition of the persons recommended in the above representation.

At a Council held at the Capitol the 12th day of September 1709

Present

The Hon ^{ble} Edmund Jenings Esq ^r President	
Dudley Digges	Philip Ludwell
Benj ^a Harrison Esq ^{rs}	William Bassett
M ^r Commissary Blair	John Smith Esq ^{rs}

William Byrd Esq^r being by her Majestys letter bearing date the 20th day of August 1708 appointed one of her Majestys Council in the room and place of John Lightfoot Esq^r deceased this day took the Oaths appointed by act of Parliament to be taken instead of the Oaths of Allegiance and Supremacy the abjuration Oath subscribed the Test and took the Oath of a Councilor and thereupon took his place at the Board.

Present William Byrd Esq^r

Whereas the Right hon^{ble} the Lords Comm^{rs} for Trade in their letter of the 12th January 1708/9 have been pleased to desire an Estimate of the Charge & an account of the method proposed for settling the boundrys between this her Maj^{ty}s Colony & the Province of Carolina and M^r President this day asking the advice of the Council thereupon. This Board are of Opinion that considering the great trouble and Difficulty of runing the Divideing Line wherein there are a large Sound or bay and diverse little Rivers and Creeks to cross and a tract of Land of near two hundred miles length to pass over to carry the said Line to the utmost Inhabitants of this Country there cannot be made an exact Computation of the Charge without previous Consultation with Surveyors And it [is] thereupon Ordered that the severall Surveyors on the Southside of James river be required to make an Estimate of the charge of runing the divideing Line between this Government & North Carolina through the bounds of their respective precincts and that they transmitt the said Estimate to the Council office by the fifth day of the next General Court

Upon reading and considering at this Board her Majestys additional Instruction of the 19th of February 1708/9 relateing to the future granting of Land in this Colony whereby three acres part of every fifty are required to be cultivated and improved within three years after the grant of any Lands. The Council are humbly of Opinion that the putting her Majestys Instruction in execution or introducing any new tenure or conditions for seating of Land will be extremely prejudicial to her Majestys interest and Service and that for the reasons humbly offered to the Right hon^{ble} the Lords Comm^{ers} for Trade the 19th of October last past in answer to their Lord^{ps} Inquiry in which Opinion the Council are still more confirmed by observeing the daily removal of the Inhabitants of this Colony into the Province of North Carolina where her Majesty receives no benefite either by the Quittrents of their Land or the produce of their Labour, and it is not to be expected that any man will ever take Land upon the condition mentioned in her Majestys said Instruction while he can have it on much easier Termes in another place, Upon consideration of all which It is humbly hoped her Majesty will be graciously pleased

to permitt the granting and seating of Land according to the former constant practice since the first Settlement of this Colony.

Whereas Coll^o Nathaniel Blackistone Solicitor of the Virginia affairs hath already been at some Charge and may hereafter be at further expence for carrying on the affairs of this Colony. It is Ordered that her Majestys Receiver General give directions to M^r Micajah Perry Merchant in London to pay to the said Coll^o Blackiston what money he hath already expended and to advance from time to time what he shall hereafter have Occasion for in his negotiations for this Country to be allowed again to the Receiver General out of her Majestys Revenue of two Shill^s per hogshead.

The Consideration of the Complaint of Joshua Wynne and others against the Saponie Indians is referred till the 7th of the next General Court when the Complainants are Ordered to attend, and the Interpreter is directed to bring some of the Great men of the said Indians to answer the said Complaint.

Ordered that the Interpreter bring before the Council on the seventh day of the next Gen^l Court some of the Great men of the Nottoway Indians to answer the Complaint of M^r Benjamin Harrison and for their assaulting and murdering some of the Saponie Indians.

John Brodnax being appointed by M^r President to be Keeper of the Capitol and publick goal was this day aproved in Council and Order'd to give bond for the due performance of his Office.

Whereas through the long continuance of dry and unseasonable Weather this Summer there is like to be very small crops of Corne and other grain, So that if the exportation be not timely prevented a great Scarcity and dearth may be reasonably feared. It is Ordered that a proclamation issue prohibiting the exportation of wheat, Indian Corn, pease or any other kind of grain or flower or meal made of the same untill further order.

Upon consideration of the Dissentions and Contraversys between the Vestry of Charles parish and M^r James Slater their Minister, It is Ordered that both partys attend this Board on the seventh day of the next Gen^l Court in order to a full hearing of the said disputes.

The Complaint of Claud Philippe de Richbourgh and others against M^r Abraham Salle and other Vestry men of the Manican town is referred till the seventh day of the next Gen^l Court and Ordered that both partys have notice to attend.

Whereas Captain John Roberts Commander of her Majestys Ship the Southsea Castle and Commodore of the Outward bound Virginia Fleet hath on the application of diverse Masters of Ships not yet ready to sail under his Convoy, and out of a due regard to her Majestys interest and advantage of the Trade agreed to stay for the said Ships till the last day of this present month. It is therefore Ordered that the Collectors and Naval Officers of the severall districts give notice hereof to all Masters of Ships rideing there and the said Naval Officers & Collectors are hereby impowered and required to clear all Ships that shall be ready to proceed for Europe under the said Convoy untill the 25th instant and not afterwards until further order and the Naval Officers are hereby directed imediately after such Clearance to transmitt sufficient bills of Exchange for her Ma-

jestys Dutys by them received unto her Maj^{ty}s Receiver Gen^l at Williamsburgh or in case of his absence from thence to be left with the hon^{ble} the President.

Major William Buckner being appointed by the Trustees of the College of William and Mary to execute under them the office of Surveyor General of Virginia was this day presented to the hon^{ble} the President for approbation and was accordingly approved in Council.

John Coppage being appointed Surveyor of Northumberland County in the room of George Cooper deceased was this day approved in Council.

At a Council held at the Capitol the 15th day of October 1709

Present

The Hon ^{ble} Edmund Jenings Esq ^r President	
Dudley Digges	John Smith
James Blair Com ^{ry}	and
Philip Ludwell Esq ^r	William Byrd Esq ^{rs}

M^r President acquainted the Council that the Fleet under Captain Roberts being now ready to sail he had for the better strengthening that Convoy (which was very small) given orders to Captain Cook of her Majestys Ship Garland attending this Government to accompany the Fleet fifty Leagues out to Sea and in regard the Fleet from London may be daily expected he had also Ordered Captain Cook to continue Cruiseing about the Capes and to the Southward thereof as he judges most proper to meet with that Fleet so long as the weather and the Conveniencys of his Ships will permitt in order to give protection and assistance to any of the Ships of the said Fleet that may require the same, and asked the advice of the Council if it be necessary to give any further or other orders Whereupon the Council are of Opinion that the orders already given are sufficient and that there is none other necessary at present

October the 21st 1709

Present

The Hon ^{ble} Edmund Jenings Esq ^r President	
Dudley Digges	Henry Duke
Benjamin Harrison Esq ^{rs}	John Smith
James Blair Com ^{ry}	John Lewis
Philip Ludwell &	William Churchill
William Bassett Esq ^{rs}	William Byrd Esq ^{rs}

The King and one of the Great men of the Nottoway Indians appearing this day before the Council to answer the Complaint of M^r Benjamin Harrison for lying in wait and killing two of the Saponie Indians on his plantation whereby the said Saponies have been provoked to kill and destroy the Stocks of the said M^r Harrison and other of the English Inhabitants. On the promise of the said Indians that they will not for the future go painted ly in wait or attack any

Indians near any of the Inhabitants of this Colony, they are thereupon Dismist And it is Ordered that the said Nottoways do not presume to harbour any of the Tuscaruros or other strange Indians hereafter and because of the said King hath represented that it will be difficult to make some of his Nation believe them he is directed in that case to send five of his great men that are doubtfull together with such of the Tuscaruros as are then at his town to Coll^o Harrison to be informed of the truth thereof.

On the Petition of William Allen he is appointed a Pilote in James River and Ordered that a Commission be given him accordingly.

On the Petition of David Jones. he is appointed a Pilote in James River and up York river to Tyndales point

On the Petition of William Boatwell he is admitted a pilote in James River.

October the 22^d 1709

Present

The Hon ^{ble} Edmund Jenings Esq ^r President	
Dudley Digges	Henry Duke
Benjamin Harrison Esq ^{rs}	and
James Blair Com ^{rs}	William Churchill Esq ^{rs}

Whereas it is represented to this Board that Major Arthur Allen Naval Officer of the upper District of James River being very sick cannot attend to make Oath to his accounts. It is ordered that Joseph John Jackman, William Edwards and Ethelred Taylor Gent or any one of them be impowered to swear the said Major Allen to his accounts of the Queens Revenues in his hands and to certify the same in order to passing the saide Accounts with the Auditor

Present William Bassett Esq^r

On the Petition of Anthony Gregory Gent late Sherif of Gloucester County setting forth that the Quittrents of that County having lain long time in his hands he thereby lost 1256 pounds of Tobacco in the weights of the severall hogsheads and praying the same to be allowed him. It is thereupon Ordered that the Auditor and Receiver Gen^l allow the pet^r the said 1256 pounds of Tobacco in his accounts.

M^r President this day communicated to the Council a Letter from Coll^o Robert Quarry Surveyor Gen^l of her Majestys Customes on the Continent of America relateing to a debt due to her Majesty from Major Samuel Swan late Collector of Corrottuck and Albemarle Districts in North Carolina and desireing that an Estate of land called Swans point in this Colony sold by the said Swan to M^r Joseph John Jackman may be made liable to the payment of the said Debt. It is Ordered that the said Letter be referred to M^r Attorney Gen^l to consider and report what may be done thereupon for her Majestys Service.

William Byrd Esq^r present

On Representation from Nansemond County, It is Ordered that a new Commission of the peace issue for the said County with the

addition of several persons recommended by the Justices of the said County.

Ordered that Captain Francis Clements appear before the next Council that shall be called after the General Court to shew cause why he hath not delivered the records of Surry County to the present Clerk of that Court according to M^r Secretarys order and the repeated desires of the Justices of the said Court

Philip Ludwell Esq^r present

On hearing this day in Council the disputes between the Vestry of Charles parish in York County and M^r James Slater their Minister. It appearing to this Board that the said Vestry have at sundry times shutt the Church door against the said Minister to the great disturbance of the parish and endangering the publick peace. It is Ordered that the Churchwardens and Vestry of the said parish do not presume to shutt the Church doors or to hinder M^r Slater from performing divine Service and preaching in the said Church as he formerly used to do and for the more decent Celebration of the publick Worship that the said Churchwardens and Vestry cause the books and Ornaments of the Church to be putt up every Sunday as usual untill the differences between them and their Minister be legally determined.

Whereas diverse disputes and Contraversys have arisen between Claude Phillippe de Richbourgh Minister and other parishoners of the French Settlement at Manican Town and M^r Abraham Salle and others Vestry men of the said parish, for the better Composeing and determining of which This Board did appoint both partys to attend them this day to make out their respective allegations, and foras-much as severall matters of fact have been alledged by both partys which neither of them had their Evidences to prove. To the end therefore that this Board may be more fully informed of the grounds & Occasions of the said Contraversys, and with the least charge to the Complainants. It is Ordered that Coll^o William Randolph and M^r Benjamin Harrison be desired and impowered to meet as soon as they can conveniently at the said Manican town or any other place they shall think fitt in Henrico County where they are to call before them the said Minister and Vestry and all other persons concerned in the said Complaints to enquire into all and singular the differences and Contraversys amongst them, and if necessary to examine upon Oath all such persons as either party shall bring before them for making out the truth of their severall Complaints and for that purpose M^r James Joyaux is hereby appointed Interpreter to whom the said William Randolph and Benjamin Harrison are likewise impowered to administer an Oath truly to perform his said Office, and It is Ordered that they return a report of their proceedings herein to the Council office.

October the 27th 1709

Present

The Hon ^{ble} Edmund Jenings Esq ^r President	
Dudley Digges	Henry Duke
Benjamin Harrison	John Smith
Robert Carter Esq ^{rs}	John Lewis
James Blair Com ^{ry}	William Churchill
Philip Ludwell	and
William Bassett Esq ^{rs}	William Byrd Esq ^{rs}

On the petition of Robin a Pamunky Indian praying leave to stay among the Inhabitants of this Country where he has been bred for severall years past and instructed in a trade whereby he is capable of maintaining himself and that he may not be obliged to return to his own Nation according to a former order of this Board. In consideration of the pet^{ers} haveing been bred so long amongst the English and that his Trade will be of no use to him if he returns to his own Nation The Council do therefore grant liberty to the said Robin to continue amongst the Inhabitants and to exercise his trade wherever he shall find Encouragement.

Francis Ballard haveing according to order made Oath to his accounts of the charges of dieting sundry French and Spanish prisoners sent from South Carolina in the year 1706 amounting to twenty four pounds one Shilling. On his petition. It is Ordered that the same be paid him out of her Majestys Revenue of two Shillings per hogshead and that a Warrant be prepared accordingly.

The following Warrants on the Receiver Gen^l to be paid out of her Maj^{ties} Revenues were this day signed by the President & Council Viz^t

Out of the Quittrents

To his Excellency Robert Hunter Esq^r her Majestys Lieutenant and Governor Gen^l of Virginia half a years Sallary or allowance ending the 25th instant £250.

To M^r Commissary Blair half a years Sallary ending the same time fifty pounds.

To Stephens Thompson Esq^r Her Majestys Attorney Gen^l half a years additional Sallary ending the same time thirty pounds.

And Out of the two Shillings per hogshead port
dutys and head money.

To his Excellency Robert Hunter Esq^r in part of his moiety of the Governors Sallary from the death of Coll^o Nott two thousand pounds.

To Edmund Jenings Esq^r President of the Council half a years Sallary ending the 25th instant five hundred pounds.

To Edmund Jenings Esq^r President half a years House rent ending the same time thirty seven pounds ten Shillings.

To the Gentlemen of the Council half a years Sallary ending the same time One hundred and seventy five pounds

To William Blathwayt Esq^r Auditor of her Majestys plantations half a years Sallary ending the same time fifty pounds.

To Nathaniel Blackistone Esq^r Solicitor of the Virginia affairs half a years Sallary ending the same time fifty pounds.

To Stephens Thompson Esq^r her Maj^{ties} Attorney Gen^l half a years Sallary ending the same time twenty pounds.

To William Robertson Clerk of her Majestys Council half a years Sallary ending the same time twenty five pounds

To Edward Ross Gunner at James City half a years Sallary seven pounds ten Shillings

To M^r Richard Bland for so much paid severall ministers one Gen^l Court five pounds.

To M^r Richard Bland for hyreing fitting maning and maintaining the Brigantine Seaflower for the guard of the Coast and Capes and for the Seeouts appointed to give notice of the approach of an Enemy nine hundred twenty four pounds ten Shillings and seven pence farthing.

To M^r William Robertson Clerk of her Majestys Council for severall Expresses and other Contingent Charges this last half year thirty eight pounds nine Shillings and ten pence.

The petition of William Robertson Clerk of her Majestys Council praying that in Consideration of the encrease of the business of that Office his Sallary may be augmented to a hundred pounds per annum according to a Representation made to the Right Hon^{ble} the Lords Comm^{ers} of Trade in the year 1701 by the then Governor and Council was read and referred till the arrival of the Governor.

November the 3^d 1709

Present

The Hon^{ble} Edmund Jenings Esq^r President

Dudley Digges

Henry Duke

Robert Carter Esq^{rs}

John Smith

James Blair Com^{rs}

John Lewis

Philip Ludwell Esq^r

William Byrd Esq^{rs}

M^r Attorney General this day reported his opinion on Coll^o Quarys Letter in the following words.

May it please Yo^r Hon^{rs}

Pursuant to Your order I've perused a Letter from Coll^o Quary and am of opinion that the Estate of any Subject (indebted to the Queen) lett it be in any part of her Dominions is lyable and subjected to the payment thereof And if Yo^r Hon^{rs} be of Opinion that the Generall Court of this Colony is a Court of Exchequer I shall take care to make such process as shall make a seizure thereof for her Majestys Use until payment &c.

I beg Leave further to inform Y^r Hon^{rs} I cannot proceed without more proof than Coll^o Quarys bare Allegations, but he promised me he would transmitt further Evidence to me, the which I likewise submit to Yo^r Hon^{rs} Consideration

Yo^r Hon^{rs} obedient & humble Servant

S Thompson A G —

The Minuts of Council this Gen^l Court read over and approved

At a Council held at the Capitol the 8th day of December 1709

Present

The hon^{ble} Edmund Jenings Esq^r President
 Dudley Digges Esq^r Philip Ludwell
 M^r Commissary Blair John Smith &
 William Byrd Esq^{rs}

M^r President acquainted the Council that on the 4th of this month he received a Letter from the purser of her Majestys Ship the Garland by order of the Captain giving an account of the unfortunate Loss of that Ship on the 29th past near Corrottuck Inlett as she was returning from cruiseing. That upon the desire of the Captain signified in that Letter for assistance of Sloops to save the Rigging and Stores of the Ship he had forthwith given order for impressing and sending away two Sloops from Kiquotan to be under the said Captains direction and given him a Letter of Credit to the Governor and Council of North Carolina where he is to obtain assistance there, that he had also caused inquiry to be made at York for a Sloop proper for that Service, and had been informed there was a Sloop at that place belonging to North Carolina which would be very fitt and desired the Opinion of the Council whether it be necessary to dispatch away the said last mentioned Sloop or what may be further done for assisting Captain Cook in the saveing the Rigging & Stores of her Majestys said Ship. Whereupon the Council are of Opinion that if the Sloops ordered to be impressed at Kiquotan cannot be had or are not yet dispatched, that then it is necessary for her Majestys Service that the Sloop belonging to Collonel Cary of North Carolina now at York be forthwith impressed to go to the assistance of Captain Cook in saveing & transporting hither the stores & Rigging of her Majestys Ship the Garland, and that Dudley Digges Esq^r be impowered to impress the said Sloop. And The Council are further of Opinion that the orders already given on this Occasion are as much as can be done until further advice from Captain Cook.

Whereas diverse of the Seamen belonging to her Majestys Ship Garland lately lost are arrived at Kiquotan & have nothing to subsist them and it being probable that Application will be made by the Captain for money to defray the charge of subsisting the said Seamen till they have an opportunity of returning to England or can otherways provide themselves. It is the Opinion of the Council that upon such application it is necessary for her Majestys Service and for the better accommodation of the said Seamen in their present Distress, that M^r President give Credit to the Captain & purser of the said Ship by endorseeing such bills as they shall draw by the Victualling or other proper Office for the Subsistence of the said Seamen.

A Letter from the Right hon^{ble} the Earl of Sunderland her Majestys principal Secretary of State dated the 4th of August last past was this day read and referred to the Consideration of a fuller Council.

A letter from the Right hon^{ble} the Lords Commissioners of Trade dated the 27th of July was read and Ordered to be entered in the Council Books.

Whercas by the fatal loss of her Majestys Ship Garland this Country is again left naked and defenceless against the insults of the Enemys Privateers. This Board do conceive it for Her Majestys Service to represent to her Majesty by her Maj^{ty's} Principal Secretary of State and to the Right hon^{ble} the Lord high Admiral the necessity of haveing another Guardship sent hither, and that if the Enterprize now at New England which is Ordered for this Country do arrive there will be Occasion of another small Ship or Sloop of ten or twelve guns to joine the aforesaid man of war which small Vessell will be more effectuall for suppressing the Enemys Privateers (as being capable of following them among the Flatts) than a Ship of greater force.

Upon Consideration of the desires of several persons for takeing off the restraint on the exportation of Corne it is the Opinion of the Council that before such exportation be again permitted it is necessary to know what Store of Grain there is in the Country & that in order therunto M^r President will please to writc to such persons in every County as he shall think most proper to send an account how the Inhabitants are furnished with Corne that if there appear to be more than is like to be wanted in the Country the restraint may be taken off.

Whereas it hath pleased God to afflict diverse parts of this Country with a raging pestilential Distemper. It is Ordered that Wednesday the 11th of January be set apart as a day of publick fasting and humiliation to deprecate the wrath of Almighty God and to implore his mercy in removeing this greivous Calamity and Ordered that a Proclamation issue accordingly.

Whereas by an order of this Board bearing Date the 22^d of October last past It was directed that the Churchwardens & Vestry of Charles parish should not presume to hinder M^r Slater their Minister from preaching & performing divine Service in the Church of that parish untill the Differences between them should be legally determined, and it appearing by the orders and other proceedings of the said Vestry that they have since shutt the Church Doors and lockt up the reading Desk, and by other unwarrantable means riotously hindered the said M^r Slater from the exercise of his Ministry to the Disturbance of the peace and the Contempt of the aforesaid Order. It is therefore Ordered that M^r Attorney General do consider of the proceedings of the said Vestry and thereupon prosecute according to Law such as have been guilty of the breach of the Peace and Disturbance of the divine Service in the said parish.

On a Representation from the Court of King William County. It is Ordered that a new Commission of the Peace issue for the said County with the addition of the several persons recommended by the said Court.

M^r Francis Clements late Clerk of Surry County not appearing according to order to shew Cause for his detaining the records of the s^d County It is Ordered that he be again summoned to the next Council that shall be called to answer the said Contempt.

Post Meridiem. Philip Ludwell Esq^r Absent

Upon reading a letter from Coll^o William Wilson signifying that in pursuance of M^r Presidents Orders he had impressed a good Sloop

and a large Flatt to go to Corrottuck for saveing the rigging & Stores of her Majestys Ship Garland. It is the Opinion of the Council that there is no occasion for impressing or sending any other Sloops thither till further advice from Cap^t Cook, in which case M^r President may Cause to be impressed so many more as the Service shall require.

Whereas it is represented by Coll^o William Wilson that diverse of the Seamen belonging to her Majestys Ship the Garland are come to Hampton and are very rude to the Inhabitants forcing from them Victuals and entertainment, they haveing no Officer with them nor any Letter or Certificate from their Captain. It is Ordered that Coll^o Wilson call before him the said Seamen and let them know that if they expect any favour in being subsisted by this Government they must have a Certificate from their Captain of their Leaveing him with his Consent and in case they offer any Violence to the Inhabitants It is ordered that Collonel Wilson and the other Justices of Elizabeth City County secure and imprison the Offenders till further order.

At a Council held at the Capitol the eighth day of March 1709

Present

The Hon ^{ble} Edmund Jenings Esq ^r President	
Robert Carter Esq ^r	William Bassett
James Blair Com ^{ry}	John Smith
Philip Ludwell Esq ^r	John Lewis Esq ^{rs}

Whereas there is lately arrived in this Colony a Sloop from New York sent by Captain Smith Commander of her Majestys Ship the Enterprize who was appointed for the guard of this Coast but without any orders or advice from the said Captain for what Service the s^d Sloop is intended, This Board takeing into consideration the advices received sometime ago that the Right Hon^{ble} the Lord high Admiral out of his great care for the protection of the Trade & Defence of the Coast of this Colony had directed a Sloop to be hyred in New York or New England to be joined with her Majesty's Ship attending this Government, and Haveing also read & Considered an order from the Right hon^{ble} the Lord High Admiral in the Words following Viz^t

"Thomas Earl of Pembroke and Montgomery &c Lord

"High Admiral of Great Brittain and Ireland &c.—

"Whereas I have directed the Captain of her Maj^{ties} Ship the "Reserve which attends on the Government of New England to hyre "a Vessell of ten or twelve guns either there or at New York, and to "Cause her to be mann'd & equipped in all respects in a Warlike man- "ner and then to send her to cruise within the Capes of Virginia, to "protect the Trade passing in and out from the small Privateers of "the Enemy and to direct her Commander to follow such Orders as "he shall receive from you, You are therefore hereby required and "directed to take the said Vessell under yo^r command and employ "her in such manner from time to time either within or between the "Capes of Virginia as you shall judge will most effectually answer

“the intended Service of protecting the Trade and annoying the Enemies Privateers as aforesaid which lurk within the bays and under the Land: Given under my hand this 28th day of March 1709.

Pembroke

So Captain Cook Commander of Her Majestys Ship Garland at Plymouth By Commande of his Lordship Burchett and compareing the said Order with the Burthen and built[d] of the said Sloop now arrived which is fitted for carrying ten guns and with the place from whence she comes To Witt New York where Captain Tate was last Summer endeavouring to obtain such a Sloop, and may have either delivered the said Sloop, or transferred his orders for that purpose to Captain Smith there appears no reason to doubt but that the said Sloop is the same that was intended for the aforesaid Service, and has been taken up in pursuance of the said order. And for as much as this her Majestys Colony through the unfortunate loss of the Garland and the long absence of her Maj^{ty}s said Ship the Enterprize (whereby her Maj^{ty}s good intention for the safety of this Colony is like to be disappointed) is at this time exposed to imminent Danger from the Enemies Privateers against which it is absolutely necessary forthwith to make provision without waiting the arrival of the Enterprize which is very uncertain & even her safety much to be doubted. This Board are therefore unanimously of Opinion that it is absolutely necessary for her Maj^{ties} Service that the aforesaid Sloop sent hither by Captain Smith be immediately fitted & man'd for the Defence of this Colony upon the establishment of her Maj^{ty}s Navy, and that so many of the Seamen lately belonging to her Majestys Ship Garland and now Subsisted at Kiquotan on her Maj^{ty}s charge as shall be necessary for the compleat maning the said Sloop be put on board the same, and that M^r President give order for provideing the said Vessell with ten great Guns & with small Arms and a sufficient quantity of great & small shott Out of the Stores that are saved belonging to her Maj^{ty}s Ship the Garland, and in case they prove Deficient, then to supply the same in the Country, particularly with powder out of the Stores of war sent hither by her Majesty for the Country's Service, untill the arrival of Her Majestys Ship the Enterprize or some other Supply may be had. And because there is no Captain of any of her Maj^{ty}s Ships now here to whom it doth belong to appoint a Commander for the said Vessell This Board are further of Opinion that M^r President give a Commission to M^r John Pye late Lieutenant of her Majestys Ship the Garland (who is recommended by his late Captain as a good Officer, & very fitt for that employment) to be Master and Commander of the said Sloop, And It is ordered that a Commission be prepared accordingly with Instructions pursuant to the above recited order of the Lord high Admiral for cruiseing within and between the Capes for the protection of the Country and annoying the Enemies Privateers that may happen to lurk in the bay and under the Land, which Instructions he is to observe untill the arrival of some of her Majestys Ships of war appointed to attend on this Colony, & then to follow the orders of the Captain thereof according to the rules of the Navy. And for the better supplying the s^d Sloop with provisions It is the

opinion of the Council that M^r President give Credit to the said Master by endorsing such bills as he shall draw on the victualling Office to the persons with whom he shall contract for the same, and in all other matters relating to the said Vessel not herein provided for to give such directions as he shall judge most proper & necessary for her Majestys and the Countrys Service. And to the end the Right hon^{ble} the Lord high Admiral may be speedily advertised of the fitting out the s^d Sloop in the manner aforesaid This Board do request M^r President to take the first opportunity humbly to lay before his Lord^p and the Right hon^{ble} the Lords Comm^{rs} for Trade the reasons inducing to these proceedings & to pray their Lo^{ps} favour with the Commissioners of the Navy and victualling, that due regard may be had to the men shipped in this Sloop and to all persons concerned in supplying them with Provisions for this Service, which is so necessary for y^e protection of her Ma^{ty}s Subjects & disappointing to the Designs of the Enemy.

Upon consideration of the danger to which this Country is exposed at this time by the unfortunate loss of the Garland and the uncertain hopes of the safety of her Maj^{ties} Ship the Enterprize which has been out from New England ever since the month of December. It is the opinion of the Council that it is necessary for her Maj^{ty}s Service to represent the same to the Lord high Admiral, and to pray the continuance of his Lo^{ps} favour and Care for the protection of this her Maj^{ties} Colony and the trade thereof by ordering hither another Sh p of force in case the Enterprize be unhappily Miscarryed, or by new orders diverted from this Service.

Whereas it is necessary for the better Security of this Country until the arrival of a Ship of force for the guard of the same, that care be taken for alarming the Country on the approach of an Enemy. It is the opinion of the Council that as soon as the Sloop hyred for her Maj^{ty}s Service shall be ready to cruise the like directions be given for Lookouts and for firing the alarm guns as were appointed last Spring (Except the Lookouts on Gwyns Island which are judged unnecessary) untill the arrival of a Guardship.

On reading at this Board the petitions of the Owners of the Brigantine six Sisters of Virginia and of the Brigantine Society now loaded and ready to sail for Great Brittain setting forth the Great charge they have been and still are at in Seamens wages & victualling and the much greater charge like to accrue if they should be stoped for Convoy & praying Leave to clear and proceed on their intended Voyages. This Board taking into consideration that the latest advices from Great Brittain give no ground to expect any Convoy here till the Fall, and that if the said Vessells should be detained here it will be the ruin of their Voyages and at the same time being desirous to provide for their Security in the best manner that may be have thought fitt to order that the Collectors & Naval Officers of the respective Districts where the said Vessells ly, do clear and permitt them to sail taking bond with good Security of the Masters or Owners that they shall joine the George Frigut John Brooks Master now in York River and the other Ships of force intended to sail with him which have her Majestys Licence & to proceed in their Company to

Great Brittain, and it is the opinion of the Council that upon the application of the Master of any other Vessell under the like reason and giving the like bond M^r President may give orders to the Naval Officers to clear them in order to their sailing with the aforesaid Ships.

On reading the Petition of Brinoldus de Haes Master of the Brigantine Ben Adventure now in Rappahanock and bound for the Port of Bristoll setting forth that he arrived in this Colony last July, but by diverse casualtyes & disappointments hath not been able to compleat his Loading till now, that this long delay gives him just cause to fear that part of his tobacco which was ship'd in July will be damnyfied if he is obliged to wait for Convoy, and that there being now in Rappahanock and ready to sail the Virginia Merchant of Leverpole a Ship of good force the Master whereof has promised me to keep Company with and take charge of the Pet^{rs} Vessell to Ireland from whence he can have a Convoy to Bristoll and therefore praying Leave to sail in Company with the aforesaid Ship. It is thereupon Ordered that the Collector and Naval Officer of Rappahannock River clear the said Brigantine Ben Adventure in order to proceed in Company with the Virginia Merchant of Leverpole for the better Security and protection of the said Vessell in her intended Voyage.

Ordered that the Consideration of the calling an Assembly be referred till Tomorrow morning.

Whereas Notwithstanding the Scarcity of Corne and other grain in many parts of this Country occasioned by the bad Crops last year, there yet appears to be more than is necessary for the use of the Inhabitants which may be justly attributed to the goodness of God in the late favourable winter. It is Ordered that a proclamation issue permitting the free exportation of Corne in the same manner as the same was used before the late prohibition, and a proclamation was prepared accordingly.

March the 9th 1709

Present

As Yesterday

M^r President acquainted the Council that his cheif intention in calling this Council was to consider whether it be necessary to have an Assembly that tho he had no particular commands from her Majesty requireing the meeting of an Assembly nor any thing to propose to them for her Majestys Service (except the raising money for finishing the Governours house) Yet lest through the long intermission of Assemblys, the People might be uneasy that they had no opportunity to represent their grievances, he thought it proper to have the advice of this Council if upon their observation of the general Disposition of the People or of any inconveniencys affecting the Country it be necessary to have an Assembly. Whereupon the Council are of Opinion that there doth not appear to them an imediate necessity for calling an Assembly, but that the consideration thereof be referred till the General Court when there will be a fuller Council, there being also reason to believe that before that time some commands may

On a Representation from Nansemond County. Ordered that a new Commission of the peace issue for the s^d County with the addition of the persons recommended by the Court.

On the petition of William Holloway praying this Board to give him a Testimonial to the Right hon^{ble} the Lord high Admiral of Great Brittain of the command he had in this Country and of his behaviour therein: This Board do thereupon desire M^r President for himself and the Council of this Colony humbly to certify to the Right hon^{ble} the Lord high Admiral that the said William Holloway was appointed Captain of a Brigantine of ten guns and eighty men fitted out for the Defence of this Country and behaved himself very well in his Station.

At a Council held at Williamsburgh the 21st day of March 1709

The Hon^{ble} Edmund Jenings Esq^r President
Dudley Digges Henry Duke
Philip Ludwell and
William Bassett Esq^{rs} John Smith Esq^{rs}

Whereas there hath been lately happily discovered a dangerous Conspiracy formed and carryed on by great numbers of Negroes, and other Slaves for making their Escape by force from the Service of their Masters and for the destroying and calling off such of her Maj^{ty's} Subjects as should oppose their design, And Whereas diverse of the Cheif Conspirators and their accomplices have been apprehended in the Countys of Surry and Isle of Wight and are now in Custody This Board being desirous to bring to condign and speedy punishment such as have been concerned in this pernicious design according to the nature and Quality of their respective faults have thought fitt to order as it is hereby Ordered that the Justices of the said respective Countys of Surry and Isle of Wight do as soon as may be meet and take in writeing the examination of all the Negroes committed or that shall be committed for the Offences aforesaid, And where they shall find reason to believe that any of the s^d Negroes have been ignorantly drawn into the said Conspiracy or have been only so far concerned therein as barely to consent or to conceal the same. That the said Justices do then and there cause to be inflicted on the s^d Slaves such Correction as they judge the nature of their offence may deserve. But where they shall find any of the said Slaves to have been engaged as the Principal Contrivers or otherwise remarkable in promoting the aforesaid Conspiracy. It is ordered that they cause such Slaves

to be secured in the publick Goal of their respective Countys, there to remain till further order from the hon^{ble} the President to whom they are forthwith to send the Examinations & proofs taken concerning the Slaves so accused, with their Opinion of their former and present behaviour and of the probability of the testimonys against them.

Whereas diverse Negros in James City County have been taken up and committed to Prison as prevy to, and Abettors in the intended Insurrection, which Nevertheless do not appear so criminal as to undergoe a tryal for their life. It is ordered that if the Masters of the said Negro Slaves will engage to bring them before the next Court held for James City County, they be forthwith discharged out of prison Except M^r John Brodnax's Negro Jamy who is to continue in prison till further order under the charge of the Sherif. And it is ordered that the Guards appointed for the said Offenders be forthwith discharged, And the Court of James City County are hereby Ordered upon bringing before them the other Negros discharged out of prison, to cause to be inflicted on them such Corporal punishment as they shall judge their Offences deserve.

Ordered that a Proclamation issue enjoining the Strict Observation and execution of the Act of Assembly concerning Servants and Slaves and a Proclamation was prepared accordingly.

On a Representation from M^r Pye Commander of her Maj^{ty}s Sloop Diamond, Ordered that a proclamation issue requiring all the Seamen lately belonging to her Maj^{ty}s Ship the Garland to repair on board the said Sloop at Kiquotan for her Majestys Service, and prohibiting all Masters of Ships to entertain any of the said Seamen till the aforesaid Sloop be mann'd and Also — Requireing all Magistrates to secure such of the said Seamen as they shall find in any place in this Country and to cause them to be conveyed to Kiquotan on board the said Sloop.

At a Council held at the Capitol the Eighteenth day of April 1710

Present

The Hon^{ble} Edmund Jenings Esq^r President

Dudley Digges

Henry Duke

Robert Carter

John Smith

John Custis Esq^{rs}

John Lewis

James Blair Com^{rs}

William Churchill

Philip Ludwell Esq^r

&

William Bassett Esq^r

William Byrd Esq^{rs}

M^r President this day communicated to the Council her Majestys Royal Letter Mandatory bearing date the 6th of August 1709 for appointing Commissioners for this Colony in Conjunction with those appointed by the Proprietors of Carolina to lay out the bounds between Virginia and the said Province together with her Majestys order in Council the 26th of September 1709 for permitting the Traders of Virginia freely to trade with the Western Indians without the interruption of the Government of Carolina and the said Letter and order were read and Ordered to be entered in the Council Book.

For the better complying with her Majestys commands in relation to the Settling the boundarys between this Colony and the Province of Carolina. This Board have thought fitt to nominate and appoint the hon^{ble} Philip Ludwell Esq^r and Nathaniel Harrison Gent to be Comm^{rs} on the part of this Her Majestys Colony which the said Philip Ludwell at the desire of the Council and out of a regard to her Majestys Service accepted of And It is Ordered that a Commission be prepared accordingly with Instructions for their better guidance in the said Affair with power to them to make choice of two able Surveyors such as they think most fitt and capable with all other attendance necessary for runing the divideing Line And It is also ordered that a Letter be written to the Commissioners appointed by the Lords Proprietors of Carolina to signify to them that It is thought necessary that a meeting of both Commissioners be held at W^ms^burgh the ninth of June next for the better settling the time & method of proceeding in this Affair

M^r President haveing moved the Council to consider whether it be not necessary for her Majestys and the Countrys Service to call ten Assembly, The same is referred for further consideration.

Whereas one Peter a Negro belonging to M^r Samuel Thompson of Surry County hath been one of the cheif Actors in the late Conspiracy of the Negros to rise and levy war against this her Majestys Government And is now fled from Justice Ordered that a Proclamation issue promising a Reward of ten pounds Sterling to any person that shall bring the said Negro in alive to receive the punishment due to his Crimes and five pounds to any person that shall kill the said Negro.

For the more speedy prosecution of the several Negros that now stand committed to the publick Goal for Conspiracy to levy war against this her Maj^{ty}s Government This Board do hereby authorize impower & require William Edwards & Ethelred Taylor Gent justices of the Peace for the County of Surry or either of them forthwith to bring or cause to be brought before the hon^{ble} the Gen^l Court the following Negros Viz Jack belonging to the s^d M^r Taylor Tom and Cato belonging to the said M^r Edwards M^r John Edwards's great Jack & little Jack M^{rs} Masons Tony Henry Hartwells Will William Chamber's Jack and W^m Newits Matt to give Evidence for our Sovereigne Lady the Queen on the tryal of the Negros committed as aforesaid And It is further ordered that the said William Edwards do also appear & give notice to Henry Hart to appear in like manner before the hon^{ble} the Gen^l Court on the 4th day thereof to give their Evidence in behalf of her Majesty against the said Negros.

On reading this day in Council the petition of Abraham le Mesurier Commander of the Star Frigate complaining that dureing the time that Cap^t Robert Snead of Accomack County detained the said Ship under Seizure (from which she was afterwards discharged by an order from Robert Quarry Esq^r Surveyor General of the Customs) Sundry goods and merchandise Viz^t Flower bisket Codfish powder & Shott to the value of £100 Sterl & upwards were clandestinely taken away from on board the said Ship by Robert Snead junior Thomas Smith sen^r & Thomas Smith jun^r whom the s^d Cap^t Snead had appointed Waiters on board the said Ship, and that the Ship being laden

& ready to sail the Pet^r can't stay to have the said Witnesses examined nor the Offenders prosecuted in the usual Course of justice & praying some speedy releif therein. This Board do thereupon think fitt to order as it is hereby Ordered that the first in Commission of the peace for the said County of Accomack upon receipt hereof do forthwith issue his Warrant to the Sherif to summon the Justices of the said County to meet in Court at some convenient day as soon as possible thereafter, and to cause to be summoned to the said Court the s^d Cap^t Robert Snead, Robert Snead jun^r Thomas Smith sen^r & Thomas Smith jun^r together with such Witnesses as either party shall desire to be summoned, and then and there to hear and Determine the matters in difference between the s^d Le Mesurier & the s^d Defend^{ts} according to Law & Justice.

It being represented to this Board in behalf of Major Arthur Allen Naval Officer of the upper District of James River that by reason of a long Sickness he is not able to come to Williamsburgh to make oath to his accounts of her Maj^{ties} dutys in hands. It is thereupon Ordered that Joseph John Jackman & Ethelred Taylor or either of them be and they are hereby impowered to administer the said Arthur Allen an Oath to the truth of this s^d accounts, & to certify on the foot of the accounts that he hath accordingly made Oath to the same to the end the said accounts may be passed by her Majestys Auditor.

Aprill the 19th 1710

Present

The Hon ^{ble} Edmund Jenings Esq ^r President	
Dudley Digges	Philip Ludwell
Robert Carter Esq ^{rs}	Henry Duke
James Blair Com ^{ry}	William Churchill Esq ^{rs}

William Paptico King of the Wiccocomoco Indians came before the President and Council and presented three Indian arrows as an acknowledgement for the land he and his Nation holds in Northumberland County which at the desire of the s^d King is Ordered to be noted in the Council books to perpetuate the Claim of the said Nation of Indians to this Land.

Post Merediem

Present

The Hon ^{ble} Edmund Jenings Esq ^r President	
Dudley Digges	William Bassett
Robert Carter	Henry Duke
John Custis Esq ^{rs}	John Smith
M ^r Commissary Blair	John Lewis
Philip Ludwell Esq ^r	William Churchill Esq ^{rs}

Captain Nicholas Smith Commander of her Majestys Ship the Enterprize this day notified to the President and Council his arrival in this Colony, & communicated to them his Instructions from the

Right hon^{ble} the Lord high Admiral together with his orders from Coll^o Dudley Governor of New England and acquainted the Council that he thought himself obliged to proceed to New York, and from thence either in conjunction with the men of war there or singly to follow his orders in relation to the Bahama Islands, and the order being read the Consideration thereof is referred till Tomorrow morning.

April the 20th 1710

Present

The Hon^{ble} Edmund Jenings Esq^r President

Dudley Digges

Philip Ludwell

Robert Carter

William Bassett

John Custis Esq^{rs}

Henry Duke

M^r Commissary Blair

John Smith

William Churchill Esq^{rs}

Upon reading and considering at this Board the orders and Instructions from the Right hon^{ble} the Lord high Admiral to Captain Smith Commander of her Maj^{ties} Ship the Enterprize bearing Date the 28th of July 1709 whereby he is directed upon his arrival at New England to follow the orders of the Governor of that Province for his proceeding in Conjunction with her Majestys Ship the Reserve at Boston the men of war at New York and the Garland at Virginia or any of them for the Recovery of the Bahama Islands from the Enemy and thereafter to make the best of his way to Virginia to joine the Garland in cruiseing between the Capes for the Security of the trade from the Enemys Privateers and then to follow such orders as shall be given him by this Government and upon perusal of the orders given to the said Captain Smith by the Governor of New England in pursuance of a letter from the Right hon^{ble} the Earl of Sunderland her Maj^{ties} principal Secretary of State for furthering the design of recovering the Bahama Islands which Letter is of the same tenor as the letter sent to this Government; it being evident that the Governor of New England did only intend the Service of viewing & gaining intelligence of the trade of the said Islands should be performed in the Winter; and that Captain Smith should then follow his orders for cruiseing at the Capes of Virginia where the said Governor did very rightly apprehend the Privateers would be on this Coast and her Maj^{ties} Ships of war necessary at the respective Governments for their Defence. This Board are of Opinion that it doth appear from the purport of both the said orders as well as from M^r Burchetts Letters by command of my Lord High Admiral of the same date with his Lord^{ps} orders to Captain Smith that the cheif Service to which the Enterprize was intended was the Security and Defence of this Country and the trade thereof from the Enemys Privateers and considering that by the fatal loss of her Majestys Ship Garland and the unfortunate accidents Captain Smith hath mett with in his passage hither this Colony and the Trade thereof hath already suffered very much by the Enemys Privateers who have lately chased in a small Vessell and (as appears by good Testimonys) taken and burnt two Ships near the

Capes. That the trade from Great Brittain which is daily coming in and going out is of very great consequence to her Majesty and Value to her Subjects will be still much more in danger since the Sloop Diamond sent hither by Captain Smith and which was judged to be hyred for her Majestys Service is found to be otherwise, and that if the said Captain Smith shall not proceed to New York to repair his Ship and from thence to the Bahama Islands (according as he hath intimated) This Coast will be left naked and Defenceless dureing the greatest part of the Summer to the apparent Danger of the trade. This Board are therefore further of Opinion that it is absolutely necessary for her Majestys Service that Captain Smith do attend the Service to which he is appointed, and in order thereunto he forthwith apply himself to the repairing the Damages her Majestys Ship under his command hath sustained in her passage And It is also the opinion of this Board that while her Majestys said Ship is refitting So many of the men belonging to the said Ship as can be spared may in the mean time be employed in a Sloop to be taken up for that Purpose in cruising within the Capes for the protection of the Trade from the Enemeys severall Privateers.

April the 24th 1710

Present

The Hon ^{ble} Edmund Jenings Esq ^r President	
Dudley Digges	Henry Duke
John Custis Esq ^{rs}	John Smith
M ^r Commissary Blair	John Lewis
Philip Ludwell Esq ^r	William Churchill
William Byrd Esq ^{rs}	

M^r Receiver General this day laid before the Council his accounts of the two Shillings per hogshead from the 25th of October 1708 to the 25th of October 1709 and the same was certified by the President in the usual forme.

M^r Receiver General laid before the President & Council the accounts of her Maj^{ty}s Quittrents ending the 25th of April 1709 and the same was Certified by M^r President in the usual manner.

Whereas Notwithstanding the orders formerly issued prohibiting the seating on any Lands on the Southside of Blackwater Swamp not legally patented or entered for, This Board are certainly informed that diverse persons have taken upon them to seat plantations with a design to create to themselves a title to the said Lands when Leave shall be given to take up the same. This Board do strictly charge and require the Sherifs of the respective Countys of Prince George Surry Isle of Wight & Nansemond forthwith to return to the Council Office the names of all such persons as have so illegally seated on any of the said Lands with an account where the plantations so seated Do ly, And It is Ordered that imediately upon such Return M^r Attorney General do prosecute in her Majestys name all and every the persons that possess any of the said Lands without patents or legal Entrys as aforesaid.

The Petition of the Nansemond Indians complaining of diverse encroachments made upon their Land by the Inhabitants of this Colony is referred to the Hon^{ble} Collonel Benjamin Harrison to enquire into the truth of the said Complaints, and to cause justice to be done to the Petitioners, or in case of any difficulty therein to make report to this Board.

On reading this day in Council the petition of Einoc Will in behalf of the said Nation of Einoes, and other Indians that have incorporated with them praying to be admitted under the protection of this Government as the other Tributarys are, and that land may be assigned them at a place called the Puttata Swamp on the Southside of Maherine River. It is the Opinion of the Council that the said Indians be accordingly admitted as Tributarys That in case the land petitioned for doth not interfere with the Rights of any of her Majestys Subjects, that then the same be granted to the said Indians, or otherwise land in some other place as convenient; And the said Indians were called before the Council and acquainted therewith, and that Inquiry will be made concerning the aforesaid Land before the next Fall, when the said Indians are to come in and settle under this Government.

April the 27th 1710

Present

The Hon ^{ble} Edmund Jenings Esq ^r President	
Dudley Digges	Henry Duke
Robert Carter	John Smith
John Custis Esq ^{rs}	John Lewis
James Blair Com ^{ry}	William Churchill
Philip Ludwell	and
William Bassett	William Byrd Esq ^{rs}

The following Warrants on the Receiver General to be paid out of her Maj^{ty}s Revenues were this day signed by the President & Council Vizt

Out of the two Shillings per hogshead

To Edward Jenings Esq^r President of the Council half a years Sallary ending the 25th instant five hundred pounds.

To Edmund Jenings Esq^r President &c for half a years houserent ending the same time thirty seven pounds ten shillings.

To the Gentlemen of her Maj^{ty}s hon^{ble} Council half a years Sallary ending as above One hundred seventy five pounds

To William Blathwayt Esq^r Auditor General of America half a years Sallary ending as above fifty pounds.

To Nathaniel Blackiston Esq^r Solicitor of the Virginia affairs half a years Sallary ending as above fifty pounds.

To Stephens Thompson Esq^r her Maj^{ties} Attorney General half a years Sallary ending as above, twenty pounds.

To William Robertson Clerk of her Maj^{ties} Council half a years Sallary ending the same time twenty five pounds.

To Edward Ross Gunner at James City half a years Sallary ending the same time Seven pounds ten Shillings

To Richard Bland for so much paid several Ministers for their attendance one Gen^l Court five pounds.

To William Robertson Clerk of the Council for several Expresses and other Contingent Charges this last half year

Out of the Quittrents

To M^r Commissary Blair half a years Sallary fifty pounds

To Stevens Thompson Esq^r half a years additional Sallary Thirty Pounds.

A Commission of Oyer and Terminer was this day signed for the Tryal of William Kentin who since the sitting down of this Gen^l Court hath killed one. on board the Bristoll Merchant in York River.

The Council haveing taken into Consideration what was proposed by M^r President concerning the calling of an Assembly are of Opinion that considering the great Sickness with which this Country has been and is still afflicted and the uneasiness the Burgesses will be under if called together in the heat of the Summer and of being absent from their familys in the most sickly Season of the year which is now approaching it will not be convenient to call an Assembly sooner than the 25th of October next unless in the mean time there happen a very pressing Occasion that may require their meeting.

Upon Consideration of the powers and Instructions necessary to be given to the Com^{rs} appointed for settling the bounds between this Colony and Carolina It is Ordered that the Clerks of the Council & Secretarys office search their respective offices and prepare Transcripts of all such transactions as they shall find there relating to the Boundaries of the said Province and deliver the same to the Com^{rs}. That the said Commissioners have power to summon before them & take the depositions of all such persons as they shall judge to be proper Evidences for the discovery of the said bounds That they have power to call before them any of the Tributary Indians and take their Examinations concerning the place commonly called and reputed Weyanoak Creek. That in case there happen any differences between them and the Comm^{rs} of Carolina concerning their running the dividing Line they proceed to run the line according to the Testimonys and Evidences that shall appear to them but without marking the same otherwise than for their own memory. That they cause the course of the said Line to be thus tryed from the begining place mentioned in the Carolina Charter to the mouth of Weyanoak Creek as it is commonly reputed by the Inhabitants of Virginia, and from thence Westward to the foot of the first Ridge of Mountains or further if they think fitt, That they give the same Liberty to the Commiss^{rs} on the part of Carolina to try the Course of the line they pretend to, but without marking the same otherwise than for their own Memory as afores^d, and that if the Comm^{rs} of Carolina shall pretend by force to hynder the trying the course of the Line according to the Claim of this her Majties Colony that then the said Comm^{rs} do in the presence of the Comm^{rs} of Carolina enter their protest and cause the same to be marked in their Journal. That if both Comm^{rs} shall agree upon the

divideing line or any part thereof they cause the trees to be marked in one strait line and two Elbow Lines and where there are no Trees the said Line to be marked and described by heaps of Stones or Earth cast up at Convenient Distances That the said Comm^{rs} on the part of this Colony have power to hyre and employ, and if need be to impress so many persons as shall be necessary for Chain carryers Markers and other necessary attendance together with boats Flatts and Canoes, and other materials necessary for runing the said lines and in case of Danger from the Indians to call in to their assistance so many of the Militia of the adjacent Countys as they shall think fitt and to provide what may be necessary for the Diet of the persons employed in this Service and in case any thing shall intervene not herein provided for M^r President is desired to give such directions therein as he shall think necessary.

Whereas her Majesty hath been graciously pleased by her order in Council bearing date the 26th day of Sept^r 1709 to order and direct that the Government of South Carolina do not for the future interrupt or molest the Indian Traders of this Colony passing through that Government and whereas diverse of her Majestys Subjects within this Colony have been discouraged from prosecuteing the said Indian trade by reason of the unwarrantable interruptions and exactions of the Government of Carolina To the end therefore that all her Maj^{ty}s Subjects may be fully informed of her Majestys gracious concessions in their favour It is Ordered that a proclamation issue to publish the same in the several Countys where the Indian Traders dwell And it is Ordered that a Copy of her Maj^{ty}s said order in Council be sent to the Governor for the time being of South Carolina and that he be desired pursuant to her Majestys pleasure therein to send hither the bond which was illegally extorted from Robert Hix the Indian Trader in order to its being Chancelled.

Ordered that a Commission be prepared for constituteing and appointing William Byrd Esq^r to be Commander in Cheif of the Militia in the Countys of Henrico and Charles City.

Captain Smith Commander of her Majestys Ship the Enterprize haveing represented to this Board his great want of Cordage and Rigging and other Naval Stores for refitting her Majestys Ship under his command and that there are great quantitys of such Naval Stores saved out of her Maj^{ties} Ship the Garland in the hands of diverse persons in the Province of North Carolina. It was thereupon ordered that Letters should be forthwith prepared and they were prepared accordingly to the Governor of North Carolina for the time being & to M^r Swain Collector of Corrottuck to demand in her Majestys name the Delivery of the said Naval Stores for the use of her Majestys Ship the Enterprize and that there may be no Colour for detaining the said Stores under pretence of Salvage to promise that care shall be taken for makeing all reasonable and Customary Satisfaction upon makeing appear to this Government the Trouble or Charge any person has had in saveing the said Stores

Whereas Salvadore an Indian and Scipio a Negro Slaves have been tryed this General Court and found guilty of high Treason, and Sentence of death passed on them accordingly to the end therefore that

their execution and exemplary punishment may have a due effect for deterring other Slaves from entering into such dangerous Conspiracys It is Ordered that Salvadore be executed (according to the Sentence passed on him) at the Court house of Surry County on the first Tuesday in May, and that his body be disposed of as follows Viz his head to be delivered to the Sherif of James City County and by him sett up at the City of Williamsburgh Two of his quarters likewise delivered to the s^d Sherif of James City one whereof he is to cause to be sett up at the great guns in James City and the other to deliver to the Sherif of New Kent County to be sett up in the most publick place of the said County, and the other two quarters to be disposed of an sett up as the Justices of the County of Surry shall think fitt to direct And it is ordered that Scipio be executed at the Court house of Gloucester County at the next Court to be held for the said County in May and his body disposed of in manner following Viz his head and one of his quarters sett up where the Justices of the said County of Gloucester shall think fitt two of his quarters to be delivered to the Sherif of Middlesex one of which he is to cause to be put up in the most publick place of the s^d County of Middlesex and the other to cause to be delivered to the Sherif of the County of Lancaster to be sett up in the most publick place of the said County And the Sherif of Gloucester is to cause the other quarter of the said Scipio to be delivered to the Sherif of King and Queen County to be sett up in the most publick place of the said County, And all the said Sherifs are hereby directed and required to cause the several Articles of this order to be duly performed and it is recommended to the Courts of the respective Countys to levy the charge thereof on their said Countys.

Ordered that the Sherif of the County of York cause the body of Salvadore to be removed from the publick Goal at Williamsburgh and delivered forthwith to the Sheriff of Surry County in order to his execution on the first Tuesday in May and that he cause the body of Scipio to be likewise removed from the publick Goal at Williamsburgh and delivered at some convenient time before next Gloucester Court to the Sheriff of that County in order to his execution.

Ordered that a new Commission of the Peace issue for Westmoreland County with the addition of Daniel M^cCarty Richard Watts & Thomas Boneham

The following persons were nominated Sherifs of the several Countys for the ensuing Year Viz^t

For Henrico.....	Francis Eppes
Prince George.....	William Epes
King & Queen.....	Samuel Matthews
King William.....	Philip Whitehead
Richmond.....	Edward Barrow
James City.....	Edward Jaquelin
Middlesex.....	Richard Kemp
Essex.....	Robert Coleman
Lancaster.....	Thomas Pinkard
Surry.....	Ethelred Taylor
Gloucester.....	Richard Bayley

Warwick.....	Humphry Harwood
York.....	William Simson
Isle of Wight.....	Humphry Marshal
New Kent.....	Joseph Foster
Elizabeth City.....	Anthony Armistead
Charles City.....	Richard Bradford
Nansemond.....	John Speir
Westmorland.....	Daniel McCarty
Stafford.....	George Anderson
Northumberland.....	Maurice Jones
Northampton.....	John Powell
Accomack.....	Tully Robinson
Norfolk.....	Matthew Godfrey
Princess Anne.....	Thomas Richardson

April the 27th 1710

Present.

Post Meridiem

The Hon^{ble} Edmund Jenings Esq^r President

Dudley Digges

John Lewis

Henry Duke

William Churchill

John Smith Esq^{rs}

William Byrd Esq^{rs}

On a Representation from the County of Essex Ordered that a new Commission of the peace issue for that County with the addition of Stephen Loyd Joseph Smith Henry Robinson and Paul Mecon Gentlemen.

Ordered that a new Commission of the peace issue for the County of Norfolk and that William Langley & George Mason Gent be added to the Quorum

Ordered that a new Commission of the peace issue for King William County and that William Anderson and James Dabney Gent be added to the Quorum.

Ordered that a new Commission of the peace issue for Charles City County with the addition of James Joyeux Gent.

Ordered that a *Dedimus* issue for swearing the late Sherif of Middlesex a Justice according to the custom of that County.

On the Petition of William Waters setting forth he and his Partner had been at great charge and expence in fitting out boats and other tackle for carrying on a Whale fishery upon the Coast of this her Majestys Colony and in the bay of Chesapeak. Leave is accordingly granted unto the s^d William Waters and his Partners to sett up and carry on the Whale fishing aforesaid within the limits abovementioned they paying the Governor of this her Majestys Colony for the time being a small acknowledgement for her Majestys Right to the said fishing.

On the Petition of John Bolling setting forth that when leave was given for takeing up land on the Southside of Blackwater Swamp he together with Robert Hix entered with the Surveyor of Prince George's County for four hundred acres of land begining at the mouth

of Stony Creek thence up the same and Nottoway River for the said Complement as by the s^d entry may appear and therefore praying an order to the Surveyor of Surry County in which the said land is found to ly, to Survey and lay out the same for the Petitioner and Lewis Green to whom the said Robert Hix assigned his Right. It is thereupon ordered that the Surveyor of Surry County lay out & Survey for the Petitioner & Lewis Green the aforesaid four hundred acres of land they producing Right for the same according to Law.

Present Robert Carter Esq^r

Absent James Blair and Henry Duke Esq^r

On reading this day in Council the Petition of Timothy Nicholson Master of the Katherine of Whitehaven, William Breton Master of the Richard and John and John Tucker Master of the Betty Galley of Biddiford setting forth their haveing for a long time layn laiden waiting for a Convoy to proceed to Great Brittain but finding themselves disappointed of that, and that their Seamens wages will in a short time exceed the profits of their Voyage, therefore praying leave to sail in Company with Cap^t Brooks Commander of the George Frigat and the other Ships of force now speedily bound out with him. It is thereupon ordered that the Collector and Naval Officer of Poto-mack River have leave to clear the Pet^{rs} Ships in order to proceed to Great Brittain with the George Frigat and other Ships of force now bound out takeing bond of the said Masters for joining the afore-said Ships at York accordingly.

The several accounts of Disbursements for victualling and other necessarys for the Sloop Diamond taken into her Majestys Service are referred to be settled and adjusted by M^r Auditor Digges when M^r George Walker shall come to town and the respective persons to whom the same are due paid out of her Maj^{ties} Revenue of two Shillings per hogshead.

Ordered that a new Commission of the Peace issue for the County of Lancaster with the addition of several persons recommended for Justices of the said County.

Ordered that a new Commission of the Peace issue for the County of Northumberland with the addition of John Ingram & W^m Jones Gent.

Whereas Benjamin Goodwin Clerk was upon his arrival in this Country last year received and admitted into the Parish of Wilmington with the full Sallary established by Law, and since that time upon the death of M^r Samuel Grey Minister of S^t Peters Parish in New Kent the Parish becomeing Vaccant the said Benjamin Goodwin hath prevailed with the Vestry to be received as Minister of the Parish of S^t Peters with the like allowance of full Sallary, and tho there are diverse Clergymen lately sent in by my Lord Bishop of London to supply such Vaccancys yet the said Benjamin Goodwin not contented with the Sallary of his own Parish of Wilmington pretends still to hold the s^d Parish of S^t Peters as a plurality, and this being the first instance of pluralitys in this Colony M^r President was pleased to ask the opinion of the Council whether the same be consistant with the Constitutions of the Country. Whereupon the Council are of

opinion that the permitting such pluralities will give great dissatisfaction to the Inhabitants of this Colony not only because it is not possible in two large Parishes for one Minister to discharge (as he ought) the duty of his office in visiting the sick and administering the Sacraments when necessity requires, but as it will likewise prove a very great discouragement to other worthy Clergymen to come into the Country when they understand that the Ministers already settled are suffered to hold plurality of good benefices and none but the meanest Parishes left for them, and therefore it is necessary to put a speedy stop to the unwarrantable practice which will draw after it such ill consequences.

Aprill the 29th 1710

Present

The Hon^{ble} Edmund Jenings Esq^r President

Robert Carter Esq^r

John Smith

M^r Commissary Blair

John Lewis

Philip Ludwell Esq^r

William Byrd Esq^{rs}

The warrants for the execution of Salvadore and Scipio condemned this General Court for high Treason were signed by the President in Council

Upon consideration of the best way to preserve the arms sent to the respective Countys and which by reason of the extreem poverty of the Inhabitants cannot be sold according to former orders It is the opinion of the Council & accordingly ordered that the Commanders in Cheif of the several Countys give directions to the officers in whose hands the s^d arms are to deliver them out to such persons serveing in the Militia as they shall judge responsible takeing their bond for keeping their said arms in good order and to return the same or the value thereof when thereunto required.

The Hon^{ble} Collonel Robert Carter is impowered and desired to cause the arms lodged at his house for the use of the Northern Countys to be cleaned & fixed and to return an account of the charge thereof that the same may be paid.

Whereas the arms lodged at Williamsburgh for the use of the adjoining Inhabitants upon any emergency are in a great measure useless for want of being kept clean and fitt for Service It is ordered that the Clerk of the Council be impowered under the direction of M^r President to agree with an Armourer at a certain Sallary per annum to keep the arms clean and fitt for Service.

Whereas it has been represented to this Board that Coll^o William Wilson Naval Officer of the lower District of James River by reason of a long indisposition is not able to come to Williamsburgh to swear to his accounts Ordered that William Boswell and Anthony Armistead Gent or either of them be impowered and required to administer an Oath to the said William Wilson to the truth of his accounts of her Maj^{ties} dues in hands and that they certify on the foot of the s^d accounts that the said William Wilson hath accordingly made Oath to the same order to be passed by her Majestys Auditor.

At a Council held at the Capitol the 23^d day of June 1710

Present

The Hon^{ble} Alexander Spotswood Esq^r Her Majestys Lieutenant
Governor and Commander in Cheif of Virginia
Edmund Jenings Philip Ludwell
Dudley Digges Henry Duke
James Blair Com^{rs} John Smith &
John Lewis Esq^{rs}

Her Majestys Commission under the Great Seal of Great Brittain constituting & appointing the Right Hon^{ble} George Earl of Orkney her Majestys Lieutenant and Governor general of this her Colony and Dominion of Virginia together with Her Majestys Commission under her Royal Sign Manual and Signett dated the 18th of February 1709/10 constituting and appointing the Hon^{ble} Alexander Spotswood Esq^r Lieutenant Governor of this her Majestys said Colony were this day opened in Council, and in order to the more Solemn publication thereof, The Lieutenant Governor and Council proceeded to the General Court house where both the said Commissions were publickly read by her Majestys Attorney General, and then returning to the Council Chamber the Lieutenant Governor took the Oaths appointed by Act of Parliament to be taken instead of the Oaths of Allegiance and Supremacy, the Abjuration Oath Subscribed the Test, and took the Oath appointed by the Act of the 7th & 8th of King William for the due observation of the Acts of Trade

Edmund Jenings, Dudley Digges, James Blair, Philip Ludwell, Henry Duke, John Smith and John Lewis Esq^{rs} severally took the Oaths appointed by Act of Parliament to be taken instead of the Oaths of Allegiance and Supremacy, the Abjuration Oath, Subscribed the Test, and took the usual Oath of her Majestys Council of this Colony.

William Robertson Clerk of the Council took the Oaths appointed by Act of Parliament to be taken instead of the Oaths of Allegiance and Supremacy, the Abjuration Oath, Subscribed the Test, and took the Oath for the due discharge of his said Office.

Upon communicating to this Board that part of Her Majestys Instructions wherein the Council are named It was observed that William Byrd Esq^r the lately appointed one of the Council by her Maj^{ties} Warrant is now left out, and that there are only Eleven of the Members of the Council mentioned in the said Instructions now Resident in the Colony, whereas formerly there used to be twelve and it not appearing that her Majesty hath conceived any displeasure against the said William Byrd to occasion his removal from being of the Council; but that on the contrary her Majesty hath been pleased very lately to grant him a particular Mark of her Royal favour by augmenting his Sallary as Receiver general. The Council do therefore humbly offer to the Hon^{ble} the Lieutenant Governor that M^r Byrd being left out of the Council seems to have been purely an Omission of the Clerk in transcribing the Instructions, and that it is not to be supposed her Majesty would have bestowed such a Mark of her

favour on him if her Majesty had intended not to make any farther use of his Service in the Council; so that upon consideration of the whole matter the Council are humbly of opinion that M^r Byrd be sworn and continued of the Council untill her Majestys pleasure be further known: And accordingly the said William Byrd took the Oaths appointed by Act of Parliament to be taken instead of the Oaths of Allegiance & Supremacy, the Abjuration Oath, Subscribed the Test and took the usual Oath as one of her Majestys Council

Present

William Byrd Esq^r

A Proclamation continuing all Officers Civil and Military untill further order was this day prepared read and signed by the Hon^{ble} the Lieutenant Governor in Council, and ordered to be issued throughout the Colony.

The Lieutenant Governor's Commission of Vice Admiralty was this day published in Council, and ordered to be ent^d in y^e Council books.

Ordered that a full Council be summoned to meet here on the fifth day of the next month.

At a Council held at the Capitol the 5th day of July 1710

Present

The hon^{ble} Alexander Spotswood Esq^r Her Majestys
Lieutenant Governor

Edmund Jenings

Philip Ludwell

Dudley Digges

John Lewis

Robert Carter Esq^{rs}

William Churchill &

James Blair Com^{rs}

William Byrd Esq^{rs}

Robert Carter and William Churchill Esq^{rs} took the Oaths appointed by Act of Parliament to be taken instead of the Oaths of Allegiance & Supremacy, the Abjuration Oath, Subscribed the Test and took the usual Oath as Members of her Majestys Council

The Hon^{ble} the Lieutenant Governor was pleased to communicate to the Council diverse of her Majestys Instructions viz the 5th, 12th, 13th, 24th, 26th, 27th, 31st, 32^d, 35th, 45th, 47th, 48th, 49th, 50th, 51st, 52^d, 53^d, 54th, 55th, 56th, 61st, 62^d, 81st, 84th, 118th, 121st, 124th, 125th, 126th, 128th, 129th, 130th, 131st, 132^d, 135th, 138th & 139th. Upon reading Her Majestys Instruction directing that the Quittrents be sold by inch of Candle in the respective County Courts. The Council do humbly offer their opinion that that method being found upon former experience very prejudicial to her Majestys Service, and a diminution of that Revenue by the Combination of the intended Purchasers at those Auctions to obtain the said Quittrents at a Rate far below the true value was therefore altered; and the Auditor & Receiver General have since sold the Quittrents themselves to a far greater Advantage than the same could have been done at the County Courts, which method of Sale is fitt to be continued as most beneficial for her Majestys Interest.

Whereas Her Majesty has been pleased by Her Royal Instructions to direct that all fees belonging to any office be regulated so that they be within the bounds of Moderation, and that Tables of all such Fees be hung up in the Offices where the same are taken, It is therefore ordered that all and every person & persons having any Office within this Government whereby any fees do accrue to them do return to the hon^{ble} Her Majestys Lietutenant Governor by the fourth day of the next General Court, a fair Table of the Fees by them charged for each particular Service done in their said Offices and forthwith to cause like fair tables of their said fees to be hung up in their respective Offices, and they are hereby strictly enjoined not to exact from any of her Majestys Subjects any other or greater fees than what are mentioned in the said Table.

William Thornton being appointed by the Surveyor General to be Surveyor of the County of Richmond and Augustin Smith Surveyor of the County of Essex were at the motion of the Gentlemen of the Council who were Governors of the College this day approved by the Governor in Council in order to their being commissioned for the said Offices.

The consideration of that part of her Majestys gracious Instructions for the Liberty of the Subject, which directs the establishing Courts of Oyer & Terminer for the more speedy tryal or releif of such persons as shall be committed for Criminal matters is referred till the next Council.

Upon reading her Majestys Instructions which directs the separating the Office of Collector from that of the Naval Officer. The Council are of opinion that the said Instructions are fully complied with, the said Offices having been for diverse years past and are at this time managed by District Officers.

Major Arthur Allen late Naval Officer and Receiver of the Virginia Dutys in the upper District of James River being dead, The Governor was pleased with the advice of the Council to nominate and appoint Nathaniel Harrison Gent to be Naval Officer and Receiver of the Virginia dutys in the said District it appearing that it has been the constant Custome for those Offices to be executed by one and the same person that they are no ways inconsistent, and that the perquisites belonging to the Naval Officer alone would not encourage any person of sufficient ability to accept the said Office without the addition of that of the Receiver of the Virginia dutys.

Upon reading at this Board her Majestys order in Council for repealing an Act passed the last Assembly Entituled An Act for establishing Posts and Towns. It is ordered that a Proclamation issue declaring her Majestys Royal pleasure for repealing the said Act of Assembly, and a Proclamation was prepared accordingly.

The Hon^{ble} the Lieutenant Governor acquainting the Council that he found in the Council Office a Copy of her Majestys order for repealing the Act concerning the granting seating and planting, and for settling the titles and bounds of lands and for preventing unlawfull Shooting & ranging thereupon which Copy is attested by William Popple Esq^r Secretary to the Right hon^{ble} the Lords Commissioners for Trade and Plantations, and came inclosed in a Letter from him

directed to Coll^o Hunter her Majestys late Governor, and desiring to know whether the said Copy be not sufficient for publishing her Majestys disallowance of the aforesaid Act. The Council are thereupon of opinion that since all the orders hitherto sent for repealing any Act of Assembly have been under her Majestys Royal Sign Manual or under the Seal of the Office of her Majestys most hon^{ble} privy Council, and signed by one of the Clerks, this being a Copy only attested by the Secretary of another Office is not a sufficient Warrant for repealing that Act of Assembly.

At a Council held at the Capitol the 15th day of September 1710

Present

The Hon^{ble} Alexander Spotswood Esq^r her Majestys
Lieutenant Governor

Edmund Jenings

Philip Ludwell Esq^r

Dudley Digges Esq^{rs}

John Smith &

James Blair Com^{rs}

William Byrd Esq^{rs}

Her Majestys Instruction directing that Courts of Oyer and Terminer be appointed for the more speedy tryal of persons committed for Criminal matters, comeing now to be considered according to the Reference of the last Council. This Board (acknowledging with all gratitude her Majestys Royal Condescensions in favour of her Subjects of this Colony by extending to them so great a priviledge) are of opinion that the settling the method of proceedings in that Court and other matters incident thereunto are of such consequence that they require the consideration of a fuller Council And accordingly the consideration of the said Instruction is referred to the General Court.

Upon reading at this Board a Petition of divers Masters of Ships in James River and York bound for the Port of London setting forth that through the unseasonableness of the weather and the Sickness of their men, they have not been able to obtain their Lading so soon as they expected, and are thereby incapacitated to proceed with this Convoy unless further time be allowed them And praying that the Convoy may be engaged to stay for them till the 15th of October This Board takeing the said Petition into consideration together with the present Circumstances of the Trade of this Colony are of Opinion that it will be very much for her Majestys Service, and the interest and benefite of the Merchants trading hither that the departure of the Convoy be put off till the fifteenth of October whereby time will be given to a great many Ships to joine the s^d Convoy which otherwise must be left in the Country to the great damage of the owners as well as the disappointment of her Majesty in her Customs And the Council do request the Governor to transmitt this their opinion to Cap^t Robinson Commodore of the Fleet, and to use his endeavours for engaging him to stay for the said Ships according to the Petition of the Masters.

Ordered that (in case Cap^t Robinson shall put off the departure of the Fleet till the 15th of October) the Collectors and Naval Officers

be, and they are hereby directed and impowered to clear all Ships and Vessells bound for Great Brittain with this Convoy untill the fifth of October and no longer without further order, directing the Masters of the said Ships forthwith to repair to Kiquotan to joine the said Convoy.

Ordered that the Naval Officers attend her Majestys Auditor and Receiver General at Williamsburgh the ninth day of October next to make up their accounts of her Maj^{ties} dues in their hands and pay the ballance to the said Receiver General.

Ordered that a Council be held here on the 10th day of October next, and that notice thereof be given to such members as are absent.

Whereas the Governor was pleased this day to acquaint the Council of the inconveniencys which he observed the Inhabitants of Williamsburgh and the people resorting thereto upon publick Occasions labour under for want of a Markett for Provisions, And that for the more effectual remedying thereof he was inclined to appoint Weekly Markets to be held there, and asking the advice of the Council how the same may be best established. This Board are thereupon of opinion that the settling Weekly Markets at Williamsburgh will be a very great benefit to the said Town, and the Neighbouring Inhabitants, and a Conveniency to the People of the Country who have occasion to resort thereto And it is refer'd to the next Council to consider of the proper methods for establishing the same.

Whereas it hath been represented to the Governor that considerable quantitys of Naval Stores belonging to her Majestys Ship Garland are already saved in North Carolina, and much more of them as well as the Ordnance Stores may yet be saved out of the said Ship & preserved for her Majestys use if due and speedy care be taken therein, Whereupon the Governor hath given d'rections to Cap^t Smith Commander of her Maj^{ty's} Ship the Enterprize to view the wreck of her Majestys Ship the Garland and report his opinion how the guns and other Stores belonging to her and yet remaining may be best secured & brought hither for her Maj^{ty's} Service And the Governor now desiring the Councils advice how the charge of saving and transporting the said Stores may be best defrayed It is the opinion of the Council if Cap^t Smith shall find it practicable to save & bring hither the guns or any other Stores of the said Ship Garland, The Governor do then give orders for imploying therein such men and Vessells as may be necessary and that the charge thereof be advanced by her Majestys Receiver General out of her Majestys Revenue, and that bills be drawn on the Navy for repaying to the Receiver General that charge.

Upon a Representation from the French Inhabitants of Manakin town that by reason of the death of M^r Benjamin Harrison one of the Gentlemen to whom it was referred to examine into the grounds of the differences among them, the said differences are yet undetermined, the Governor was pleased to acquaint the Council that he intended to take a progress that way, and takeing with him two Gentlemen altogether indifferent and unconcerned with either party to hear and determine those disputes, which the Council do unanimously approve of as the best and most speedy way to put an end to

those heats & animositys w^{ch} have so long disturbed the Peace of that Settlement.

Whereas the Sale of Military Commissions lately used in this Colony appears to be very unusual and disagreeable to the forms used in Europe by such as have power from her Majesty to grant such Commissions. It is ordered by this Board that for the future the sale of the said Commissions be in the name of the Governor or Commander in Cheif for the time being by virtue of the Power and authority to him granted by her Majesty.

It being proposed that a Proclamation be issued for publishing her Majestys Royal pleasure concerning the terms and conditions upon which land is to be granted, and the Draught of a Proclamation being laid before this Board, the consideration thereof being of very great consequence is referred till a fuller Council.

A Warrant for paying unto the Right hon^{ble} the Earl of Orkney the sum of £427^{''}12^{''}6 being one moiety of the Sallary of Governor from the 19th of January to the 23^d of June was this day Signed by the Lieutenant Governor in Council.

At a Council held at the Capitol the 10th day of October 1710

Present

The Hon^{ble} Alexander Spotswood Esq^r her Majestys
Lieutenant Governor

Edmund Jenings	Henry Duke
Dudley Digges Esq ^{rs}	John Smith
James Blair Com ^{ry}	John Lewis &
William Byrd Esq ^{rs}	

The Hon^{ble} the Lieutenant Governor was this day pleased to acquaint the Council that according to what he told them at their last Meeting, he had endeavoured to accomodate the differences amongst the French Refugees at the Manican town, and had taken such measures in settling their Vestry and Militia which were the principal Occasions of the quarrell that he hoped they would be at quiet for the future.

The following Warrants on the Receiver General to be paid out of her Majestys Revenue of two Shillings per hogshead were signed by the Governor in Council Viz^t

To Robert Hunter Esq^r her Majestys late Lieutenant & Governor Generall of this Colony for one moiety of the house rent from the 24th of August 1706 to the 19th of January 1709/10 two hundred fifty five pounds four shillings and five pence.

To Alexander Spotswood Esq^r her Majestys Lieutenant Governor of this Colony his moiety of the Houserent from the 19th of January 1709/10 to the 23^d of June 1710 thirty two pounds one Shilling and five pence.

To Edmund Jenings Esq^r his Sallary as President from the 25th of April to the 23^d of June 1710 one hundred Sixty one pounds three shill^s & nine pence.

To Edmund Jenings Esq^r his moiety of the Houserent for the same time Twelve pounds One shilling and nine pence.

Whereas the Governor was pleased to informe this Board that pursuant to the orders he had given to Cap^t Smith Commander of her Majestys Ship the Enterprize the said Captain had brought from Carolina divers of the Stores that were saved out of her Majestys Ship the Garland, and there being several charges ariseing upon the saving of the said Stores, It is Ordered that the accounts thereof be settled and adjusted against next Council to be held at Gen^l Court.

Whereas Coll^o William Wilson Naval Officer of the Lower District of James River is represented to be unable to travell to Williamsburgh to pass his accounts of her Majestys Revenues received by him. It is ordered that he make Oath to the truth of his said accounts before any two of her Majestys Justices of the County of Elizabeth City who are hereby authorized to administer the said Oath, and the same being certified by the said Justices shall be sufficient for passing the said accounts by her Majestys Auditor.

Coll^o William Wilson Naval Officer of the Lower District of James River having by his Letter to the Governor humbly represented that by reason of his age and infirmitys he is unable to discharge that Office any longer. The Governor was pleased this day to acquaint the Council that having received a good Character of M^r Nicholas Curle and out of regard to Coll^o Wilson who had recommended him as well as in consideration of his living very convenient for attending the duty of that Office he intended to appoint the said M^r Curle to be Naval Officer of that District and asking the opinion of the Council if they knew any Objection against him Whereupon the Council declaring that they knew no just Exception to M^r Curle The Governor was pleased to appoint him accordingly to be Naval Officer of the Lower District of James River.

Philip Ludwell Esq^r Present

Whereas many Frauds and Abuses have been found to be committed by the Masters of Vessells trading from New England and other of her Majestys Plantations to this Colony by exporting greater quantitys of tobacco than they pay duty for and thereby takeing the Opportunity of carrying the same tobacco to foreign Markets to the great prejudice of her Majesty and a discouragement of all fair Traders. This Board are of opinion that if proper persons were appointed in the Nature of Searchers to go on board the Vessells and to examine into their loadings and the weights of the hogsheads of Tobacco they carry out it would be of great use to prevent that pernicious and fraudulent practice, and do request the Governor to concert with Coll^o Quarry Surveyor General of her Majestys Customs the proper measures for the establishment of such Officers.

Whereas application hath been made to the Governor by several persons for leave to go upon new discoverys over the Mountains to the Westward of this Colony. It is the Opinion of the Council that all suitable encouragement be given to the said persons for pro-

secuting that design w^{ch} may prove of great Advantage to her Majestys Service and the trade of this Colony, and that for the better management of the same It is necessary that a Commission be given to such persons as the Governor shall think fitt to command the party intended to go on this expedition whereby the said Officer may be enjoined not to make War upon or offer Injury to any persons whatsoever that he shall happen to meet with, and to keep an exact Journal of his proceedings and Observations and lay the same before the Governor at his Return.

Whereas several Owners of Vessells belonging to this Colony have refused to pay the dues accustomed to be paid to the Governor for the said Vessells on pretence of their being exempted by Law. This Board are of Opinion that the Vessells belonging to Virginia owners are as much lyable to the payment of the Gover^{rs} dues as any other Ship or Vessell whatsoever, there being no such exemption by any Law of this Colony, And it is therefore Ordered that the Naval Officers do require and take the dues accustomed to be paid to the Governor for the Ships and Vessells belonging to Virginia Owners as well as for the other Ships and Vessells trading to this Colony.

Philip Ludwell Esq^r and Nathaniel Harrison Gent Commissioners appointed for settling the boundarys between this Colony and the Province of North Carolina this day presented to the Governor in Council, the Journal of their proceedings in that affair, together with a Report containing their Observations on the several Affidavits that have been taken, and the behaviour and manner of proceeding on the part of the Commissioners of Carolina which being severally read at this Board are referred to the consideration of a fuller Council.

October y^e 16th 1710

Present

The Hon^{ble} Alexander Spotswood Esq^r her Majestys
Lieutenant Governor

Edmund Jenings

Dudley Digges

Benjamin Harrison

John Custis Esq^{rs}

M^r Commissary Blair

Philip Ludwell

John Smith &

William Churchill Esq^{rs}

Benjamin Harrison and John Custis Esq^{rs} two of her Majestys hon^{ble} Council this day took the Oaths appointed by Act of Parliament to be taken instead of the Oaths of Allegiance and Supremacy and the Abjuration Oath, subscribed the Test, and took the usual Oath as Members of her Majestys Council.

October y^e 19th 1710*Present*The Hon^{ble} Alexander Spotswood Esq^r her Majestys

Lieutenant Governor

Edmund Jenings

Philip Ludwell

Dudley Digges

Henry Duke

Banj^a Harrison

John Smith

Robert Carter

John Lewis

John Custis Esq^{rs}W^m Churchill &James Blair Com^{rs}William Byrd Esq^{rs}

Upon consideration of her Majestys Instruction for establishing Courts of Oyer & Terminer for the more speedy tryal of Persons committed for Criminal matters. It is the opinion of the Council that the said Courts be held at the Capitol as the most proper place for the same and that publick notice be given that the first Court will be held according to her Majestys Instructions on the second Tuesday in December to the end that if any persons shall be committed for any Crime triable in the said Court, they may be sent to the publick Goal in due time. And because there are divers good Rules established for the tryal of Criminals in the General Court for summoning and paying the charges of Venires, Witnesses and Jurys the Council are further of opinion that it be recommended to the next General Assembly to make the like provision in case of tryals at the said Courts of Oyer & Terminer.

Coll^o Philip Ludwell one of the Commissioners for Settling the boundarys between this her Majestys Colony and Dominion and the Province of Carolina moving for directions whether the said Comms^{rs} shall proceed now to try the course of the dividing Line. It is the opinion of the Council that there is no occasion at present for proceeding therein till further orders from the Governor.

October y^e 21st 1710*Present*

As before

The Governor was pleased to acquaint the Council that upon reading sundry Petitions for land yesterday in the General Court he observed the form and stile thereof to be justly exceptionable: For that in the Petition for lapsed land It is prayed that the Gen^l Court would grant the land to the Pet^{rs} and that in the Petitions for Escheats, after setting forth that the lands petitioned for are escheated to her Majesty, conclude in these words [that the Court will order a Patent to issue for the said land to the Pet^{rs}] That such applications to the Gen^l Court made for grants of her Majestys lands seemed to be very irregular and an Invasion of her Majestys Royal prerogative since no Court can order her Majesty to grant away her own property. That he was not against bringing Petitions into the General Court either that Land might be duly and legally

proved to be lapsed, or for the more regular traversing of Escheats: but that he thought in both these Cases, as soon as the General Court had declared the Right to the Land petitioned for to be vested in the Crown their Authority extended no further, and that then the proper application for a Grant of Land ought to be made to her Majesty in the person of her Governor. Whereupon the Council are of Opinion that although the Act for the granting, seating and planting of Land &c doth enable the General Court to take Cognizance of all Petitions for Land either lapsed or escheated and that the people do believe themselves to have a Right to make Application according to that Law untill it be publickly repealed by Proclamation: Yet forasmuch as the Council are well satisfied that her Majesty hath disallowed and repealed the said Act, therefore they conceive it their duty not to proceed in the Gen^l Court to give Judgment upon that Law in any Petition for Land or other case, wherein her Majestys prerogative may be concern'd, but that all such Cases be referred till the next General Court: Nevertheless that the said Law shall be considered as of full force in relation to all matters of private Right between party and party untill her Majesty shall be pleased to signify her Royal pleasure for repealing the same in the usual forme.

A Representation from the Court of Richmond County for a new Commission of the Peace with the addition of some new Justices was read and refer'd till the issuing new Commissions for the other Countys shall be taken into consideration.

October y^e 24th 1710

Present

The same as before

Upon reading and considering at this Board the Journal and Report of Philip Ludwell Esq^r and Nathaniel Harrison Gent Comms^{rs} appointed for settling the boundrys between this her Majestys Colony and the Province of Carolina The Council are of opinion that for obviating any Misrepresentations which may be made in England by the Commissions on the part of Carolina It is necessary for her Majestys Service to transmitt to the Right hon^{ble} the Lords Commissioners for Trade and Plantations a Copy of their said Journal and Report And likewise to represent to their Lord^{ps} the difficulty which the Comms^{rs} appointed for this Colony have encountered in order to bring those of Carolina to joine in the necessary measures for accomplishing this Work. That the said Comm^{rs} of Carolina are both of them persons engaged in Interest to obstruct it: For one of those Gentlemen has been for several years past Surveyor General of that Province, and has acquired to himself great profit by surveying Land within the Contraverted bounds And further he has taken up several Tracts of Land in his own name and sold the same to others, for which he stands still obliged to obtain Patents from the Government of Carolina. The other of them is at this time Surveyor General and hath the same prospect of Advantage by making future Surveys within the said bounds. That the whole behaviour

of the Carolina Comm^{rs} hath tended visibly to no other end than to protract and defeat the settling this Affair, and particularly M^r Mosely has used so many Shifts and excuses to disappoint all Conference with the Commissioners of Virginia as plainly shew his aversion to proceed in a business that tends so manifestly to his disadvantage. His prevaricateing on this occasion hath been so indiscreet and unguarded as to be discovered in the presence of her Maj^{ties} Lieu^t Governor. He started so many captious objections to the powers granted to the Commissioners of Virginia with design to render their Conferences ineffectual. That his own Colleague cou'd hardly find an excuse for him And when the Governor had with much ado prevailed with the said M^r Mosely to appoint a time for meeting the Comm^{rs} of Virginia, and bringing the necessary Instruments to take the latitude of the bounds in Controversy (which Instruments he own'd were ready in Carolina) he not only failed to comply with his own Appointment, but after the Comm^{rs} for Virginia had taken the pains to make a journey to his house and attend him to the places proper for observing the Latitude, he would not take the trouble of carrying his own Instrument but contented himself to find fault with the Quadrant produced by the other side tho the same be an Instrument approved by the best Mattheomaticians and of universal use. From all which it is evident how little hopes there are of settling the said boundarys in Concert with the present Commissioners of Carolina. That tho the bounds of the Carolina Charter are in express words limited to Weyanoak Creek lying in or about 36 Degrees and thirty minuts of North Latitude yet the s^d Comm^{rs} of Carolina have not by any of their evidences pretended to prove any such place as Weyanoak Creek. The whole of their Evidences reached no further than to prove Weyanoak River, and even that is plainly contradicted by the Affidavits which have been taken on the part of Virginia By these 'tis proved that before the date of the Carolina Charter and all along to this day the place they pretend to be Weyanoak River was and is still called Nottoway River. But supposing the same had been called Weyanoak River it can be nothing to their purpose since every one knows there is a great difference between a River and a Creek Besides there are in this Country divers Rivers and Creeks of the same name as Potomack River and Potomack Creek, Rappahanock River and Rappahanock Creek and several others and yet there are many miles difference between the mouths of the Rivers and the mouths of the Creeks of the same name. It is also remarkable that the Witnesses on the part of Carolina are all very ignorant persons, and most of them of ill fame and Reputation and on that account were forced to fly from Virginia into Carolina; Further there appear many Contradictions in their Testimonys which shall be particularly observed when this matter shall be ripe for a finall Report. Whereas on the other hand the Witnesses for proving her Majestys Rights are persons of clear fame & emminent Figures in the Country Likewise their knowledge of those parts is more antient than any of the Witnesses of Carolina and their Evidence fully corroborated by the Current Testimonys of the Tributary Indians. 'Tis also confirmed by the Observation of the Latitude lately taken

in those parts by which 'tis very plain that the Creek proved to be Weyanoak Creek by the Virginia Evidences (and sometimes called Weycocon) answers best to the Latitude described in the Carolina Charter. For this lyes in thirty six degrees and fourty minutes which is ten miles to the Northward of the Limits prescribed in their Grant, But Nottoway River which they pretend to have been call'd Weyanoak River lyes exactly in the Latitude of thirty seven Degrees, and can by no construction be supposed to be the Boundary described in their Charter So that upon the whole matter if the Comm^{rs} of Carolina had no other views than to clear the just Right of the Proprietors, such undeniable demonstrations would be sufficient to convince them: But the said Comm^{rs} give too much cause to suspect that they mix their own private interest with the Claim of their Masters and for that reason endeavour to gain time in order to secure Patents for the Lands already unwarrantably surveyed and to have leisure to survey the rest And on this occasion 'tis observable that they proceed to survey the Land in dispute notwithstanding the Assurance given by that Government to the Contrary by their Letter of the 17th of June 1707 in which they say that no lands should be taken up within the contraverted bounds till the same were determined. This Board do therefore humbly conceive it necessary for her Majestys Service that a Letter be writt to the present Governor or President of North Carolina to assert her Maj^{ty}s Right to all the lands to the Northward of the Mouth of Weyanoak Creek and the line that will run in a due West Course from thence to Morattuck River as it is proved by the Witnesses on the part of Virginia, and also to protest against the signing of Patents for any Lands within those bounds till her Majestys pleasure be known. And because the Government of North Carolina who have broke through their former engagements may still refuse to comply with so just a Caution It is humbly prayed that the Right hon^{ble} the Lords Commissioners for Trade and Plantations will be pleased to take measures as they shall think proper with the Lords Proprietors of Carolina to stop the passing of any such Patents and to vacuate the same if already passed; For besides the many inconveniencys which may happen to this her Ma^{ty}s Government of Virginia for allowing of such Grants, it is highly unreasonable that her Maj^{ty} should be deprived of her just dues for the entrys and Quittrents of those Lands, and that the Government of Carolina or any private person whatsoever should reap Advantage by their illegal encroachments on her Majestys Property.

And for preventing all occasion of Complaint which may be made on the part of the Comm^{rs} of Carolina, It is ordered that the Commissioners for this her Majestys Colony do attend them at such time as they shall appoint for trying the Latitude by their Instruments, and for examining the Witnesses which they yet pretend to have, and in case the said Comm^{rs} of Carolina shall still refuse to lay out and settle the Boundarys according to her Maj^{ty}s directions the Comm^{rs} of Virginia are further Required to endeavour that a State of the case be drawn up and sign'd by both partys, according to the truth of the Facts proved in order to be laid before her Majesty for her Royal pleasure and final determination therein.

The Governor was this day pleased to communicate to the Council a Speech which he intended to make at the opening this Assembly, and the same was read at the Board.

October y^e 25th 1710

Present

As before

A Commission to Philip Ludwell, Henry Duke, John Smith & William Byrd Esq^{rs} four of her Majestys hon^{ble} Council or any two of them to administer the Oaths appointed by Act of Parliament to be taken instead of the Oaths of Allegiance & Supremacy, the Abjuration Oath and Oath of a Burgess to each elected Member of this present General Assembly, and also a Commission for administering the several Oaths and Test appointed by Law, and Oath of the respective Offices to the Clerk of the House of Burgesses and Clerks of the Committees were this day Sign'd by the Governor in Council.

October the 26th 1710

Present

The Hon^{ble} Alexander Spotswood Esq^r her Majestys
Lieutenant Governor

Edmund Jenings	Philip Ludwell
Dudley Digges	Henry Duke
Benjamin Harrison	John Smith
Robert Carter	John Lewis
John Custis Esq ^{rs}	W ^m Churchill and
M ^r Com ^{ry} Blair	William Byrd Esq ^{rs}

The following Warrants on her Majestys Receiver General to be paid out of her Majestys Revenues were this day signed by the Governor in Council Viz^t

Out of the two Shillings per hogshead

To Coll^o Robert Hunter her Majestys late Lieutenant and Governor General of Virginia the Arrears of his half Sallary from the 24th of August 1708 to the 19th of January 1709 fourteen hundred and two pounds nineteen shillings and four pence half penny.

To the hon^{ble} Alexander Spotswood Esq^r her Majestys Lieutenant Governor for four months and two days Sallary ending the 25th instant Six hundred Seventy Seven pounds twelve Shillings and six pence.

To the hon^{ble} Alexander Spotswood Esq^r her Majestys Lieutenant Governor for his Houserent for the same time fifty pounds eight Shill^s & two pence.

To the Gentlemen of her Majestys hon^{ble} Council half a years Sallary ending the 25th instant One hundred seventy five pounds.

To William Blathwayt Esq^r Auditor General of the Plantations half a years Sallary ending the same time fifty pounds.

To Nathaniel Blackistone Esq^r Sollicitor of the Virginia Affairs half a years Sallary ending the same time fifty pounds.

To Stevens Thompson Esq^r her Majestys Attorney General half a years Sallary ending the same time twenty pounds.

To William Robertson Clerk of her Majestys Hon^{ble} Council half a years Sallary ending the same time twenty five pounds.

To Edward Ross Gunner at James City half a years Sallary ending the same time Seven pounds, ten shillings.

To Mr. Richard Bland for so much paid several Ministers for their attendance one General Court five pounds.

Out of the Quittrents

To M^r Commissary Blair half a years Sallary ending the same time fifty pounds, and

To Stevens Thompson Esq^r her Majestys Attorney General half a years additional Sallary thirty pounds.

On reading at this Board the Petition of William Robertson Clerk of her Majestys Council praying that in consideration of the increase of the business of that Office his Sallary may be augmented to one hundred pounds per annum according to a Representation made to the Right hon^{ble} the Lords Commissioners for Trade & Plantations in the year 1701 The Council takeing into consideration how much the business of the Clerk of the Council is increased since the last establishment of the Sallary and even since the making the aforementioned Representation, and being well satisfyed with the Diligence and fidelity with which the Pet^r hath for divers years past exercised that Office wherein the Sallary has not been proportionable to his trouble Therefore out of a personal consideration for the said William Robertson and as a Reward of his past Services as well as an encouragement to continue in the diligent Discharge of that Trust, It is thought reasonable that his Sallary be augmented to one hundred pounds Sterling per annum And it is accordingly ordered by the Governor with the unanimous advice of the Council that the said William Robertson be paid the Sallary of One hundred pounds Sterling per annum, out of her Majestys Revenue of two Shillings per hogshead, during his continuance in the said Office of Clerk of the Council to commence from this date, he being obliged to provide at his own proper charge, paper, pens, Ink, Wax, Wafers and all other necessarys for the said Office and Candles for the Council Chamber which have hitherto been accounted part of the Contingent Charges of the Government.

October the 27th 1710

Present

As before

The Petitions of the Nansemond and Maherine Indians praying their lands may be laid out for them according to the Articles of Peace are referred till the bounds between this Colony & Carolina be settled.

November the 9th 1710

Present

The hon^{ble} the Lieutenant Governor

Edmund Jenings

Philip Ludwell

Dudley Digges

John Smith

Benja Harrison

John Lewis and

James Blair

W^m Byrd Esq^{rs}

The Warrants to the several Sherifs for collecting the Quittrents were this day signed by the Governor in Council

Novem^r y^e 18th 1710

Present

The hon^{ble} the Lieutenant Governor

Edmund Jenings

James Blair

Dudley Digges

Philip Ludwell

Benj^a Harrison

and

Robert Carter Esq^{rs}

William Byrd Esq^{rs}

On reading at this Board a Petition of Abraham Salle and Claude Philippe de Richbournh in behalf of themselves and other French Refugees Inhabitants at the Manican Town setting forth that at their first arrival there was granted for the Settlement of the said Refugees a Tract of ten thousand acres to be laid out according to the rate of a hundred and thirty three acres to each Family; That the said Refugees did settle upon some part of the said Land, and had about five thousand acres then laid out and divided among them, but that the said Division having Regard to the particular Settlements then made by each person, could not be done with equality, so as to give every man the proportion allowed him adjoining to his House, And therefore proposeing that a more equall distribution of the said Land may be made and that those who have not their full proportion in the first five thousand acres may have the same made up out of the last five thousand laid out and appropriated for the aforesaid Settlement. This Board takeing the s^d petition with the proposals therein contained into consideration have thought fitt to order that the land above mentioned be laid out and distributed in the manner following Viz^t That all such heads of Familys and their Representatives as have been constantly resident at the said Manican town from the first Settlement shall in the first place draw Lotts, and according to the priority of their Lotts shall have Liberty to choose, and accordingly shall have as much land laid out for them respectively in the last five thousand acres as will with the land they have already make up their full Complement of one hundred thirty three acres to each Family. That all persons that have come since the first Settlement and have been constantly resident at the said Manican town since their first comeing, shall in the next place draw Lotts, and according to the priority of their said Lotts shall have their proportion of Land in the said last five thousand acres to compleat with what they have

already the quantity of 133 acres to each Family And in the last place such as have deserted the said Settlement and afterwards returned to inhabit there shall in like manner draw Lotts, and be preferr'd to the choice of Land in the said last five thousand Acres to make up their Complement of one hundred thirty three acres for each respective family according to the priority of their Lotts And it is ordered that the Surveyor of Henrico do lay out the said respective proportions of Land at the charge of the persons desiring the same, in which he is hereby directed and required to take care that the breadth of the said sev¹¹ Shares of Land bear a due proportion to the Length and that no small Slipes of Land be left between the Lotts that may not be usefull or fitt to be taken up by any other person.

And in case it shall be found that any person hath in the first five thousand acres of Land more than the said proportion of one hundred and thirty three acres and his next Neighbour hath not enough, that such Neighbour shall have the Overplus added to his lott to make his said Lott the number of 133 acres, and if any improvements be made on the same, the owner of that lott to which it is added shall pay to the other the value the said Improvements shall be appraised at

And it is further ordered that such of the French Refugees as have bought the Plantations or Devidents of any other of the said Nation in the first five thousand Acres shall have and enjoy the same without prejudice to such Purchaser to hold the land due to him for his own share, and to take up as much more as will make his said share the full quantity of one hundred and thirty three acres Provided that no person who has sold his proportion of the first five thousand acres shall be intituled to take up any more in the second five thousand than he should have had in case such Sale had never been made. And if any person hath already settled upon the last five thousand acres of Land and hath made improvements thereon such person shall have his whole quantity of One hundred and Thirty three acres laid out in the said last five thousand Provided there be sufficient over and above the proportions due to the other Inhabitants, and if there be not, then the houses and cleared grounds of such person shall be reserved to him as part of his proportion in the said Tract of Land.

And whereas divers of the first heads of Familys settled at the said Manican town are since dead, It is ordered that the Heirs of Children of the s^d deceased if any be, and if not the Widow shall have and enjoy the Dividents allotted or which ought to be allotted as the proportion of the said deceased, and if any head of a Family be dead without heirs or other Representatives, his share and proportion of the said Land shall be confirmed to such person or persons (being of the same Nation) as are now in possession thereof. And to the end the Surveyor of Henrico County may be the better enabled to sett out and assign to each particular person his share of the said land It is ordered that M^r Robert Bolling who surveyed the first five thousand acres do grant Certificates of the bounds and quantitys of the several Lotts unto the persons for whom he set out the same and to such as Claim under them without demanding any fee or

Reward he having been already paid for the same out of her Majestys Revenues. And if it shall happen that any person shall be contented with less than one hundred thirty three acres so as there shall remain any quantity of Land not taken up after the several Allottments above mentioned It is hereby declared that such Overplus Land shall be granted to any other French Refugees as shall hereafter come to settle at the said Manican town for the encouragement of the s^d Settlement And the Surveyor of the said County of Henrico is hereby ordered and required to lay out the Lands aforesaid having due Regard to the Rules and directions herein before set down And in case any dispute or Controversy shall arise among the said Refugees in the distribution of their said several shares of Land the Hon^{ble} the Lieutenant Governor with the advice of the Council doth hereby authorize and impower Coll^o William Randolph and M^r Richard Cocke of Henrico County to hear and determine the said disputes, and in case they find any difficulty that they report the same especially to the Lieutenant Governor for his final determination therein.

November the 29th 1710

Present

The Hon^{ble} the Lieutenant Governor

Edmund Jenings

Philip Ludwell

Dudley Digges

and

James Blair

John Smith Esq^{rs}

Chichely Corbin Thacker Gent being appointed by the Hon^{ble} the Lieutenant Governor to be Clerk of the Court of Oyer and Terminer this day took the Oaths appointed by Act of Parliament to be taken instead of the Oaths of Allegiance and Supremacy the Abjuration Oath, the Test and the Oath for the due discharge of the said Office.

November y^e 30th 1710

Present

As Yesterday

Coll^o Richard Lee Naval Officer of Potomack River desiring by reason of his age to resign the said Office the Governor was this day pleased to nominate and appoint Thomas Lee Gent Son to the said Richard Lee to be Naval Officer of the said District, after having received the unanimous opinion of the Council that they know no just exception against him

December y^e 8th 1710

Present

The Governor was pleased to ask the advice of the Council what time will be most proper to have another meeting of the Assembly,

the Season of the year requiring that a speedy end should be put to this Session. The Council are thereupon of opinion that if it shall be found necessary to convene the Assembly in the Spring, the last day of April will in many respects be the most convenient time for that purpose.

The Petition and account of William Syers for publick Services read and referred to M^r Auditor Digges to consider and report his opinion thereon.

This day the Governor in Council did nominate and appoint Justices of the Peace for the several Countys in this Colony And it is ordered that the Commissions be filled up accordingly

Ordered that John Revington Doorkeeper to the Council be paid fifty Shillings out of her Majestys Revenue of two Shillings per hogshead for his extraordinary Service and attendance this Session of Assembly.

December the 13th 1710

Present

The Hon^{ble} the Lieutenant Governor

Edmund Jenings

Henry Duke

Dudley Digges

John Smith

Philip Ludwell Esq^{rs}

John Lewis and

W^m Byrd Esq^{rs}

The Governor having caused Forms of Patents for Land to be prepared conformable to her Majestys Instructions and the late Act of Assembly, the same were read and approved and ordered that all Patents hereafter to be granted be issued in the said Forms respectively.

Upon presenting to the Governor a List of Patents desired to be signed for his escheated Lands his Hon^r makeing a doubt whether according to her Majestys Instructions he could dispose of Escheats above the value of ten pounds Sterling without her Majestys leave and asking the advice of the Council therein. The Council are of opinion that that Instruction doth not relate to nor hath ever been construed to extend to escheat Land, but that the same has been constantly granted by the Governor for the time being upon paying the Composition settled by the Charter. Whereupon it is ordered that the Patents for escheat Land be prepared for the Governors signing according to the forms agreed on

A Proclamation for apprehending two Negros committed for Felony who have made their Escape out of the Goal of King and Queen County were read and signed by the Governor in Council.

At a Council held the 6th of February 1710 [1710/11]

Present

The Hon^{ble} Alexander Spotswood her Majestys
Lieutenant Governor

Edmund Jenings

Philip Ludwell

Robert Carter Esq^{rs}

John Lewis and

James Blair Com^{rs}

William Byrd Esq^{rs}

The Governor having been pleased to communicate to this Board two letters from Coll^o Hyde Governor of North Carolina dated the 21st and 29th of January complaining that the Maherine Indians disturb the Inhabitants of that Province between Maherine River and Wiccons Creek, and have required them to leave their Plantations within three miles of the said Indian town, and desiring that a Check be put to their proceedings in that kind till the bounds be determined which he promising to forward by pressing their Commissioners to act in conjunction with those appointed for this Colony, but with all desiring that this affair may not be precipitated till their Comm^{rs} can joine. Upon consideration of which this Board are of opinion that as to what concerns the Maherine Indians they have much more reason to complain than the Inhabitants of Carolina, the latter haveing been all along the Aggressors in disturbing the antient possessions of the Indians by their new encroachments, and that the Government of Carolina would have had no reason to complain of disturbances from those Indians if they had followed the same method as has been observed here of restraining the takeing up Land within the contraverted bounds to which they cannot be said to have a Right untill the bounds be determined, the presumption of Right being till then more strong in favour of her Majesty, And therefore this Government are obliged in the mean time to protect the Indians in the possession of those lands to which they are entitled by the Articles of Peace against the pretentions of the Inhabitants of that Province, And as to what relates to the meeting of the Commissioners for settling the boundarys this Board are of opinion that a letter be writt to the Governor of Carolina signifying to him that after the many delays which the Comm^{rs} for that Province have used, it cannot be justly said to be precipitation, if the Comm^{rs} for this Colony are directed to proceed without them in case they do not speedily fix a time for proceeding jointly in this Negotiation.

On reading at this Board a Petition of Joseph Leman Commander of the Gloucester Galley of Bristoll mounted with twelve guns and Navigated with thirty men now loaded in York River praying that leave may be granted for clearing the said Ship in order to proceed on her Voyage for the Port of Bristoll This Board taking into consideration that there are two Ships of good Force Viz The Lyon and Robinson Frigatt that will be ready to sail for Great Brittain in a short time and may serve as a Convoy to the Pet^{rs} Ship and any other that shall be ready to go in Company with them. It is thereupon ordered that the Collector and Naval Officer of York River have leave to clear the said Ship in order to proceed in Company

with the Lyon and Robinson Frigatt. And forasmuch as Application hath been made in behalf of the Tyger of Bristoll for leave to sail out of Rappahanock River It is further ordered that the Collector and Naval Officer of that District do likewise clear the said Ship Tyger to proceed on her Voyage with the aforementioned Ships for her better protection from the enemy.

On the Petition of Elizabeth Gordon who having been indicted for Felony before the General Court and acquitted was committed to the common Goal untill she should give security for her good behaviour, and having endured a long imprisonment without any hopes of finding the Security required of her The Governor was pleased with the advice of the Council to remitt the sentence of the Generall Court And it is accordingly ordered that the said Elizabeth Gordon be discharged out of Prison.

At a Council held the 19th of March 1710 [1710/11]

Present

The Hon ^{ble} Alexander Spotswood her Majestys
Lieu ^t Governor
Edmund Jenings
James Blair and
Philip Ludwell Esq ^{rs}

Upon consideration that there is no occasion for the meeting of the General Assembly at the time to which it was prorogued It is the opinion of the Council and accordingly Ordered that the General Assembly which stands prorogued to the last day of April next be further prorogued to the seventh day of November following and a Proclamation was prepared accordingly and signed by the Governor in Council

At a Council held at the Capitol the 24th day of April 1711

Present

The Hon ^{ble} Alexander Spotswood Her Majestys
Lieutenant Governor
Edmund Jenings
Philip Ludwell
Benj ^a Harrison
Henry Duke
Robert Carter
John Smith
John Custis
John Lewis and
James Blair
William Byrd Esq ^{rs}

On application made to the Governor for New Commissions of the Peace for the Countys of Accomack and Northampton, Commissions were accordingly ordered for the said Countys with the addition of several new Justices.

Whereas Edward Hill hath represented to this Board that in the year 1691 the Petitioners father entered for and surveyed a Tract of acres of land lying in the County of New Kent, but that upon suing out a Patent for the same it having been represented to the then Governor that the said Land contained Gold mines because of a sort of Shining Sand found thereon the said Patent was stop'd untill the

Governor had caused an experiment to be made of that Sand. That accordingly the sand being tryed was found to be no other than a kind of Taulk, That afterwards disputes ariseing between the Pet^{rs} father and some other persons concerning the priority of entry for the said Tract of Land, and the Pet^{rs} father dying before the same were determined, and through the Pet^{rs} absence out of the Country and the late Restraints upon patenting of Lands no Patent hath yet issued upon the aforesaid Survey, and therefore praying that a Patent may be granted to the Pet^r for the said Land upon the terms and conditions upon which Land was granted at that time, his Rights for the same remaining in the Secretarys Office ever since the first entry The Governor asking the advice of the Council thereupon. This Board are of opinion that in regard the granting a patent to the pet^{rs} father was stoped only by the precautions of the Government the pet^r ought not to suffer by that means but hath an equitable Right to a patent for the same upon the like terms and conditions as his Father might have had at the time his Survey and Rights were returned to the Secretarys Office, And it is accordingly ordered that a patent be prepared for the Governors signing upon the terms of seating and planting used before her Majestys late Instructions.

Upon considering the forms of patents approved in Council the 13th of December last past A doubt ariseing whether the words [all Veins Mines and quarrys] might not give the pantentee a title to the sole property of Royal mines it is ordered that the forms of the patents be altered, and that instead of the words aforementioned the words [his due share of all Veins mines and Quarrys] be inserted, and the Patents prepared in the Secretarys Office were ordered to be altered accordingly.

On the Petition of Thomas Carr jun^r of the County of King William and his making appear to the Governor in Council his ability to cultivate according to her Majestys Instructions eight hundred acres of land lately surveyed by him in the County of New Kent. It is ordered that the Receiver Gen^l grant him a Certificate of Sixteen Rights for obtaining a Patent for the same Land he paying the usual rate for the same.

On the Petition of William Car setting forth that he entered for and surveyed nine hundred acres of Land in the County of New Kent but hath only Nine Rights entered with his Survey, and the said Carr having made appear to the Governor in Council that he is able to cultivate the said Tract of Land according to her Majestys Instructions it is ordered that the Receiver General grant him a Certificate of nine Rights for obtaining a Patent for the aforesaid whole tract of Land he paying the usual Rate for the same.

On the Petition of Charles Durham and John Williams complaining of an undue entry made by Andrew Woodley and Thomas Woodley for Land in Nansemond County and on hearing the arguments of both partys thereupon It is the opinion of this Board and accordingly ordered that the said Andrew and Thomas Woodley have the preference of taking up the quantity of four hundred acres of Land in any place within the bounds of their entry provided the same be laid out in one entire Tract and according to the directions in the Governors

Proclamation issued the eighth day of December last past, and that thereafter the said Charles Durham and John Williams and any other person claiming Land within the said Entry have their severall entrys laid out according to their priority so far as the said land will extend, under the like Rules and directions mentioned in the aforesaid Proclamation.

Jacob Durden, John Davis & Stephen Durden having each entered for a parcell of land lying in Nansemond County On hearing the Allegations of the s^d partys It is the opinion of this Board and accordingly ordered that Jacob Durden have the preference to fifty acres of Land to be laid out for him where he thinks fitt within the bounds of the said Entry That John Davis have in the next place the quantity of land claimed by his entry laid out and assigned him joining upon the Land of the said Jacob and that if there be a sufficient quantity of Land left within the bounds of the said Entry, the same be assigned and laid out for Satisfaction of the Claim of Stephen Durden by virtue of his Entry. And the Surveyor is directed to lay out the same accordingly, having Regard to the directions in the Governors proclamation.

On the motion of Major William Bridger, Leave is granted him to enter for two hundred acres of Land lying in the County of Nansemond, within and joining upon the Entry made by Richard Exum for two hundred acres under the Restrictions and Limitations mentioned in the Governors proclamation, and also reserving the Claim of any other person by virtue of a prior Right.

April the 25th 1711

Present

The Governor

Edmund Jenings
Benj^a Harrison
Robert Carter
John Custis Esq^{rs}

James Blair Com^{ry}
Henry Duke
John Smith &
John Lewis Esq^{rs}

The Governor was pleased to acquaint the Council that one Nicholas Loft Master of the Ship Elizabeth and Rebecca of London being bound home from Jamaica and having in his passage received damage in a Storm put in here to refitt That the Master and his Cheif Mate had here made Affidavit that the Register and Clearance of the Ship were lost or mislaid in y^e Storm by a Sea breaking into the great Cabbin and staving the Desk wherein the said Papers were kept and that altho it appeared by the quarterly Lists from the Commissioners of the Customs that the said Ship had given bond there according to the act of Parliament; Yet M^r Luke Collector of the Lower District of James River had seized the Ship as an illegal trader and insisted to have her brought to tryal, and thereupon asking the advice of this Board what is proper to be done therein: The Council are of opinion that tho there doth not appear any cause to suspect the said Ship to be an illegal Trader Nevertheless being now

under seizure and M^r Luke insisting on a Tryal it is necessary that the said Ship be tryed before she be discharged from the said seizure, and it is recommended to the Judge of the Court of Admiralty to appoint a Court for that purpose as soon as may be.

Philip Ludwell & William Byrd Esq^{rs} Present

Coll^o Gawin Corbin Naval Officer of Rappahanock River being called before this Board to justify himself why he cleared the Ship Robinson Frigat out of that District upon a letter Mandatory which plainly appears to be forged, the date having been visibly razed and another put in to make the s^d letter serve a Voyage for which it was never intended besides other incongruitys in the body of the letter which evidently discover the said Fraud. And being heard what he had to say withdrew. Upon consideration of the whole matter this Board are of opinion that the said Coll^o Corbin being a part owner of the Ship gives great Suspicion of his being privy to the said Fraud And that he hath not sufficiently justified himself thereof But forasmuch as the said Coll^o Corbin hath owned that he hath received several Letters from the Owners of that Ship and that 'tis probable there may be in those letters some testimony that the said Ship had the Queen's letter for this Voyage it is ordered that he have time till Saturday to inspect his papers and bring what further Evidence he can for his justification, and that notice be given him to attend this Board

Nathaniel West being this day heard upon his Petition for stoping a Patent to Edward Hill Esq^r for the Tract of Land mentioned in the order of yesterday, and shewing nothing to make out his pretentions but an entry and Survey made about two years ago. It is the opinion of this Board that the Survey and Entry made by the deceased Coll^o Edward Hill being long before any pretentions of the s^d West ought therefore to be preferred; But forasmuch as the Entry and Survey made by the said Nathaniell West contains a much larger quantity than that claimed by Coll^o Hill. It is the further opinion of this Board that a Patent for the remaining part of the said Survey be granted to the said Nathaniel West upon the terms of her Majestys Royal Instructions and that he be also allowed to make up of his Rights for taking up as much more land (not already entered for by any other person) contiguous to the Tract already Surveyed by him as shall be taken from him by the Claim of Coll^o Hill.

Upon hearing this day in Council the Sundry disputes and Controversys concerning the Entrys lately made in the Countys of Surry and Isle of Wight It being objected against an Entry made by John Allen that a Surveyor ought not to enter land for himself This Board are of opinion that the Surveyors ought not to be restrained from taking up land in the Countys whereof they are Surveyors provided they do not give themselves any undue preference in their Entrys to the prejudice of any other of her Majestys Subjects And for preventing any indiscreet practices which may hereafter be used by Surveyors in the entering land in their own names. It is ordered that all Surveyors who shall at any time hereafter be desirous to enter for any parcell of land in the Countys whereof they are Surveyors,

shall make the said Entry in their books before two of the Justices of the said County who shall accordingly certify the time of making the said Entry under their hands And if it shall happen that the said two Justices shall not be conveniently got together then the time of the said Entry shall be certified by the first of the said Justices, and the Surveyor shall be allowed as much time as he can reasonably travell to the next Justice to obtain his Certificate before he [be] obliged to receive any other Entry for the same land, and the date of such Entry shall be accounted from the time of making the same before the first Justice And all Surveyors are hereby required to observe the aforesaid Directions and conform themselves accordingly.

Whereas upon reading and considering at this Board the Books of Entrys for land in the Countys of Surry and Isle of Wight made pursuant to the Governors Proclamation of the eighth day of December last past, it doth appear that divers persons have entered for the same parcells of land, and some of them at one and the same time, whereby great Disputes and Controversys have arisen between the said partys; For the better determination thereof the Governor with the advice of the Council hath thought fitt to order that these several Rules following be observed Viz^t

That where two or more Entrys happen to interfere in whole or in part, the first choice shall be allowed to the person who made the first Entry, and if there be any land remaining over and above the quantity mentioned in the said first Entry, the other Claimers shall be satisfied according to the priority of their respective Entrys so far as the Land will extend.

That where divers Entrys of equal date are made for the same parcell of Land, and the several Claimers cannot agree to divide the Land amongst them the preference shall be determined by Lott, and the person who shall draw the first Lott shall have his choice to take up the full quantity mentioned in his Entry in any place within the bounds thereof, and afterwards the other Claimers shall be preferred according to the priority of their respective Lotts, and shall accordingly have their quantitys assigned them so far as the land mentioned in their s^d Entrys will extend.

That the drawing of the said Lotts shall be at the Courts held for the respective Countys in the month of June next at which time the Surveyor shall attend and enter the number of the sev^{ll} Lotts in his book that he may accordingly lay out the Land to the several persons to whom it shall be due. And if any person whose Entry is disputed shall refuse to draw Lotts, the person so refusing shall lose all benefite of his said Entry.

And forasmuch as divers persons who made Entrys for Land are since deceased it is ordered that the Right of the said Entrys shall accrue to and the Survey be made in the name of such person to whom the Fee Simple of the said Land should have descended if the same had been patented unless otherwise directed by the will of the deceased. And it is further ordered that these presents be published at the next Court to be held for the said Countys in the month of May.

John Nichols and Robert Hunnicutt having entered for part of a Tract of Land in Surry County entered for severall years ago by James Minge deceased, and John Sherley as Claiming under the said Minge by his petition praying to be preferred to the said Land It appearing to this Board that the said James Minge never entered Rights or made any Survey of the said Land nor did any other act to entitle himself to a patent for the same It is therefore declared that the Entry of the said Minge is Lapsed and that y^e s^d Nichols & Hunnicutt have duly entered for the same.

On the petition of Joseph Turner Complaining of an undue Entry made by Major William Bridger for Land in Isle of Wight County It being made appear to this Board that the said Bridger's Entry was irregular It is therefore Resolved that he shall Claim no preference thereby but that the same be determined by Lott in the same manner as is directed for Entrys of equal Date.

April 27th 1711

Present

The Hon^{ble} the Lieutenant Governor

Edmund Jenings

James Blair

Benja Harrison

Henry Duke

Robert Carter Esq^{rs}

John Smith

John Lewis Esq^{rs}

Whereas Complaints have been made of great delays in the Administration of Justice in the County Courts the Governor was pleased with the advice of the Council to issue a precept to the Justices and Sherifs of the several Countys to certify to him when any County Court doth not meet on the days appointed by Law, or do not sitt when mett with the reasons for their neglect and also to return every General Court a list of all causes on their Docquet that have been depending above Six months and to Certify the reasons for their being so long undetermined.

A New Commission of the peace was issued for Isle of Wight County with the Addition of Sundry new Justices.

The Governor was pleased to communicate to the Council a letter from Coll^o Hyde President of North Carolina dated the 6th instant wherein he promises that no Surveys shall be made by that Government within the Contraverted bounds untill the same be determined And asking the Opinion of this Board whether the permitting Entrys to be made with the Surveyors of this Colony for Land in the contraverted bounds will be any breach of the engagements made on the part of this Government. The Council are thereupon of Opinion that since Coll^o Hyde only promises that no Surveys shall be made on the part of Carolina, the admitting only of Entrys to be made without the Liberty of surveying or seating any of the Lands so entered cannot be interpreted as any breach of the promise on the part of this Government.

The Governor in Council was pleased to nominate and appoint the following persons to be Sherifs of the several Countys within this Colony the ensuing year Viz

Henrico.....	Francis Epes
Charles City.....	James Joyeux
Prince George.....	Joshua Wynne
Surry.....	Ethelred Taylor
Isle of Wight.....	Humphry Marshall
Nansemond.....	Joseph Meredith
Norfolk.....	
Princess Anne.....	

On the Petition of the Queen and Great men of the Pamunky Indians complaining that divers persons have seated within the lands appropriated for that Nation who daily make encroachments on them It is Ordered that the Sherif of King William County forthwith examine what persons are seated within the lands assigned for the said Indians and by what title they are seated there and make report to the Governor with all Speed that such further proceedings may be had thereupon for the protection and Satisfaction of the Indians as shall be thought necessary.

On the Petition of Tom Perry in behalf of himself and other the Great men of the Chicahominy Indians complaining that Roger Mallory of King William County under pretence of a Purchase from Trabbaco one of their great men threatens to turn them off from the Land where their Town now Stands, although the same was bought of his Father for other Land of a far greater Value. It is Ordered that a Copy of the said petition be sent to the said Roger Mallory and that he return his Answer thereto with all Speed, and in the meantime that he offer no Violence or disturbance to the said Indians untill the said Complaint be determined.

On the petition of Henry Briggs Ordered that he be paid seven pounds out of her Majestys Revenue of two Shillings per hogshead for his Services in going to the Tuscaruro and other Indians by order of the Government.

Aprill the 28th 1711

Present

The Hon^{ble} the Lieutenant Governor

Edmund Jenings	Philip Ludwell
Benja Harrison	Henry Duke
Robert Carter Esq ^r	John Smith
James Blair Com ^{ry}	John Lewis &
	William Byrd Esq ^r

Whereas it doth appear to this Board by the account of Disbursements exhibited by Henry Cary Overseer for the building of the Govern^rs house that the method he has pursued for carrying on that building is extravagantly chargable and expensive both in the pay of the Workmen and charge of housekeeping This Board are there-

fore of Opinion that it is the duty of the said Cary to endeavour the lessening the said Expençe by a more frugal management of the money wherewith he is entrusted by the General Assembly, and do request the Governor to give directions that Workmen may be employed to undertake the finishing that building by the peice or such other way as he shall find most usefull for carrying on the said Work to the best Advantage.

The Governor this day communicated to the Council a letter from Coll^o Robert Quarry Surveyor Gen^l of her Maj^{ties} Customs in answer to a proposal he had made to the said Coll^o Quarry for establishing a Searcher in the Lower District of James River for the better preventing illegal Trade: and was pleased to acquaint the Council that forasmuch as it appeared to him that the Sallary of 40^l per annum proposed by the s^d Coll^o Quarry as an encouragement to the said Office will be too small in regard of the expence he must necessarily be at in keeping a boat and hands to go on board the plantation Vessells He therefore desired their opinion upon a Proposal he intended to make to the Commissioners of the Customs for the better Support and encouragement of one or more Searchers to serve for the whole Bay Viz^t That instead of the three Collectors now established for York and James River there be one Collector appointed for both Rivers to reside at Williamsburgh with a suitable Sallary and that the Sallarys now appropriated to the other two Collectors be applyed towards the encouragment and Support of one or more Searchers and for the maintenance of Shallops and good boats and hands to enable them to go on board and examine all Vessels before they depart out of the Bay Upon consideration of which proposal This Board are of Opinion that one Collector at Williamsburgh will be sufficient for both Rivers considering the Scituation of that place in the center between both and equally convenient for either, and that one or more diligent persons as Searchers well furnished with good Shallops or boats and hands would more effectually prevent illegal trading than it has been by the Collectors, and would also be performed with as little Charge, which are considerations that will no doubt weigh with the hon^{ble} Comm^{rs} of her Majestys Customs to put this Project in Practice.

The following Warrants on the Receiver Gen^l to be paid out of her Majestys Revenues were this day sign'd by the Governor in Council Viz^t

To the hon^{ble} Alexander Spotswood her Majestys Lieutenant Governor for half a years Sallary ending the 25th instant one thousand pounds.

To the hon^{ble} Alexander Spotswood her Majestys Lieutenant Governor for half a years house-rent ending the same time Seventy five pounds.

To the Gentlemen of her Majestys Council half a years Sallary ending the same time One hundred Seventy five pounds.

To William Blathwayt Esq^r Auditor General of her Majestys Plantations half a years Sallary ending the same time fifty pounds.

To Nathaniel Blackstone Esq^r Sollicitor of the Virginia Affairs half a years Sallary ending the same time Fifty pounds

To Stevens Thompson Esq^r her Majestys Attorney General half a years Sallary ending the same time twenty pounds.

To William Robertson Clerk of her Majestys hon^{b^{le}} Council half a years Sallary ending the same time Fifty pounds.

To Edward Ross Gunner at James City half a years Sallary ending the same time Seven pounds ten Shillings

To M^r Richard Bland for so much paid several Ministers for their attendance one Gen^l Court Five pounds.

To William Robertson Clerk of her Majestys Council for Sundry Expresses and other Contingent Charges [no amount given]

And Out of the Quittrents

To Coll^o Robert Hunter pursuant to her Majestys Commands half a years allowance ending the 25th April 1710 two hundred & fifty p^ds

To M^r Commissary Blair half a years Sallary fifty pounds and

To M^r Attorney General half a years additional Sallary thirty pounds.

The account of her Majestys Revenue of Quittrents for the year 1709 was presented in Council by William Byrd Esq^r her Majestys Receiver General who having made Oath thereto was passed and Certified in the unsual Forme.

On the Petition of Richard Wharton, John Holloway and John Clayton Esq^{rs} praying allowance for their Services in the prosecution of several Negros for a Conspiracy to levy War in this Colony It is Ordered that five pounds be paid to each of the Pet^{rs} in consideration of their s^d Services out of her Maj^{ty}s Revenue of two Shillings per hogthead.

On the Petition of John Clayton Esq^r ordered that five pounds Sterling be paid him out of her Majestys Revenue of two Shillings per hh^d in consideration of his Services in the tryal and prosecution of the Tuscaruro Indians for the murder of Jeremiah Pate.

Nicholas Curle Gent petitioning for a Grant of 200 acres of land in Elizabeth City County found to escheat from William Guthridge and no person appearing to traverse the said Escheat The Governor was pleased to sign a patent to the pet^r for the Land he having paid Composition according to the Royal Charter granted by his Majesty King Charles the Second to this Colony and all other Fees.

James Weshart petitioning the Governor for a Grant of three hundred acres of land lying in Princess Ann County found to escheat from Hester Bridge: And Walter Jones and Elizabeth his Wife also petitioning for 125 acres of the same Land of which they are now in possession On hearing the pretentions of both Partys the Governor in Council was pleased to grant unto the said James Weshart that part of the said Tract of Land whereof he is now in possession and to the said Walter Jones and Elizabeth his Wife that part whereof they are at present in possession And that patents be prepared accordingly And it is further ordered that the said Weshart and Jones bear an equal Share of the Composition and all Fees arising upon

the Escheat and of the Charges of Witnesses and other Costs that have accrued in the disputes between them concerning the said land.

On the Petition of John Baughan and Susanna his Wife Thomas Lee and Augustine Lee of Essex County praying a Grant of 627 acres & 16 perches of Land in the said County found to escheat from Daniel Henry which said Escheat was prosecuted at the sole charge of Dorothy Henry dec^d who conceiving herself to have an equitable Right to a grant of the said Land did devise it to the pet^{rs} and it appearing by a Certificate of the hon^{ble} the Gen^l Court that upon a dispute concerning the Escheat of the s^d Land, the pet^{rs} are found to have the most equitable Right to a Grant The Governor was pleased to grant the same to the pet^{rs} according to the distribution made thereof by the will of the said Dorothy, they having paid the accustomed Composition to her Majesty for the same.

The petition of Charles Baily for a patent for three hundred fourty five acres of Land lying in Accomack County found to escheat from Jervase Bagaly and formerly granted (according to the law then in being) to the pet^r and one John West since dec^d, is referred untill the pet^r shall make appear that John West the other Grantee or his Heirs have relinquished all Right to the said land.

Elizabeth Noys Widow of William Noys late of King William County dec^d petitioning for a Grant of One hundred acres of Land found to escheat from her said Husband The Governor was pleased to grant the said Land to the pet^r, and to order As it is hereby Ordered that a Patent be prepared for the same upon the pet^{rs} paying the Composition to her Majesty.

Lewis Davis having entered a Caveat against a Patent prepared for John Walter for two hundred acres of Land lying in King William County It is ordered that the said Walter and Davis attend the fifth day of the next General Court in order to hearing their several Pre-tentions.

On reading at this Board the Petition of Francis Epes, Joseph Royal and George Archer setting forth that they with M^r Richard Kennon entered in the year 1690 for two thousand eight hundred twenty seven acres of Land in Henrico County, and entered their Rights and Certificates in the Secretarys Office that Coll^o Nicholson then Lieutenant Governor refused them a Patent because the Land lay without certain bounds beyond which he had resolved to grant no Patents that afterwards the State house at Jamestown being burnt the Petitioners Rights were also burnt or lost, and that tho the Pet^{rs} did obtain new Rights for the same land Yet the restraints on granting of Land intervening they have yet received no Patent for the same and praying that they may now have a Patent upon the terms of seating and planting used at the time of their Entry It is the opinion of this Board that the Pet^{rs} being in the same case with those who made Entrys for land before the death of Governor Nott, and who by the Governors late Proclamation are remitted to her Majestys favour, no Patent can be granted to the Petitioners untill her Majestys pleasure be known.

At a Council held at y^e Capitol the 13th day of June 1711

Present

The Hon^{ble} Alexander Spotswood Esq^r her Majestys
Lieutenant Governor

Edmund Jenings

Henry Duke

Robert Carter Esq^{rs}

John Smith

M^r Com^{ry} Blair

John Lewis and

Philip Ludwell Esq^r

William Byrd Esq^{rs}

On the Petition of John Taylor and other Merchants in London Ordered that the Patent directed by an order of this Board the 28th of April last to issue in favour of Elizabeth Noys for the land of William Noys dec^d found to escheat to her Majesty be stopt untill the Petitioners be heard before the Governor in Council at the next General Court.

Upon reading the order of Council whereby Coll^o Corbin was appointed to attend this Board, and to bring with him what Letters he had from the owners of the Robinson Frigat for justifying that the said Ship had the Queens letter for this Voyage The Governor acquainted the Council that Coll^o Corbin came to town after the last Council was broke up but brought no letters from the owners of that Ship, that mentioned her having the Queen's letter for this Voyage: That he was not satisfied with the Conduct of the said Corbin, and therefore did not think fitt to continue him any longer in the Trust of Naval Officer of Rappahanock River.

The Governor was this day pleased to appoint M^r Christopher Robinson to be Naval Officer of Rappahanock District (in the room of Coll^o Gawin Corbin) after having had the opinion of the Council of his capacity and the conveniency of his living for the due execution of y^e s^d Office.

Whereas it hath been represented that for want of fitt persons duly authorized to prosecute on her Majestys behalf for the breach of penal Laws in the County Courts that are remote from the Seat of the Government, Offenders not only go unpunished, but her Majesty is often defrauded of that part of her Fines and Forfeitures imposed by the said Laws This Board are of opinion that it is for her Majestys Service that power be given to such Practitioners in the Law attending the several County Courts (where the Attorney Gen^l cannot be present) as the Governor shall think fitt to appear and prosecute in her Majestys behalf all offenders against penal Laws, and that deputations be accordingly prepared for the Governors Signing with directions to the persons so deputed to take care that all Fines recovered by such prosecutions be duly returned by the Clerks of the said Courts to her Majestys Receiver Generall.

Philip Ludwell Esq^r one of the Commissioners for settling the boundarys between this Colony and Carolina reported that the said Commissioners had lately mett those of Carolina and had made tryal of their Instruments for taking the Latitude both at Waycon's Creek and Nottoway River, That the Instrument brought by the Commissioners of Carolina was an Astrolabe of 5½ inches Radius, and the graduations thereon so small that it was not possible to take the

Latitude exactly by it, That their observations differed considerably at both places, That they had agreed to meet at Corrottuck to try the Latitude there In order to which her Majestys Commissioners went accordingly to Corrottuck & waited there four days, but those of Carolina did not come; That since their return home they have writt to the s^d Comm^{rs} and desired them to appoint another time and place for Conference and expected an answer every day in order to a Conclusion of this matter, and that they may be able to make their Final report thereon to be laid before this Board.

Whereas the Governor was pleased this day to communicate to the Council the advices he had received by Letters from Coll^o Hyde President of North Carolina of great Commotions in that Province raised by one Coll^o Thomas Cary late President there against the present established Government, and that both partys have taken up Arms to support their pretentions This Board taking into consideration the dangerous consequence of such proceedings, both in respect to the Calamitys it may bring upon her Majestys Subjects of that Province, by involving them in a Civil War, And more especially the bad influence it may have on this Colony by encouraging the Servants and Negros, and other persons of desperate Fortunes to run from hence in hopes of protection from the partys in Arms, do therefore think it necessary for her Majestys Service, that the Governor imploy his good Offices for mediating a Reconcilliation of the differences in the said Province of Carolina, or at least a Suspension of any Acts of Violence between them, untill the said differences can be determined by the Authority of the Lords proprietors, and for that purpose that the Governor will be pleased to make choice of some discreet person to be sent to the said Province of Carolina to offer such Mediation to the heads of both partys And it is further ordered by the Governor in Council that the Commanders in Cheif of the severall Countys bordering on Carolina take all possible care that none of the Inhabitants of this Colony engage or concern themselves in Interest of either of the said partys.

Whereas Captain Smith Commander of her Majestys Ship the Enterprize has lately taken at the Capes a French Privateer of ninety men which are now brought up to Williamsburgh and secured under a guard of Marines And forasmuch as divers of the Merchant Ships now bound out with this Fleet are in want of men and desirous to be supplied with some of the said Prisoners to serve on board their Ships during the Voyage. The Council are of opinion that the method proposed by the Governor for lessening the charge of their Subsistance here is for her Majestys Service, and that the same be accordingly pursued Viz^t That where any Master of a Ship shall make application for any of the said Prisoners to assist him in his Voyage he shall pay thirty Shillings for each man delivered him to defray in part the charge of subsisting the said Prisoner, and that the rest of the s^d Prisoners be sent in the man of War and Merchant Ships as the Governor shall direct.

Whereas John Demerea a Negro belonging to John Lear of Nansemond obtained leave at the last General Court to prove his Freedom and had an order from the said Court that his Master should not

punish him for his coming without leave to present his Petition, and the said John Demerea having made complaint that the said John Lear hath beat him in a most inhumane and severe manner in contempt of the order of the General Court It is ordered that M^r Attorney Gen^l prosecute the said John Lear for his Contempt, and that the said Negro do not return to his Masters Service unless he shall first give sufficient Security that he will not use any Severity to the said Negro untill he hath had a legal tryal for his Freedom; And that the said Lear may be receive no prejudice by the absence of the s^d Negro It is ordered that he be imployed by M^r Cary Overseer for building the Governors house and his wages accounted for to the said John Lear in case upon tryal he shall be found to be a Slave.

Ordered that the Naval Officers attend her Majestys Auditor and Recciver Gen^l at Williamsburgh on the 9th day of July in the Morning to pass their accounts of her Majestys Revenues in their hands.

At a Council held at the Capitol the 5th day of July 1711

Present

The Hon ^{ble} Alexander Spotswood her Majestys	
Lieutenant Governor and Commander in Cheif &c	
Edmund Jenings	John Smith
Philip Ludwell	John Lewis and
Henry Duke Esq ^{rs}	William Byrd Esq ^{rs}

The Governor this day communicated to the Council two Letters from his Excellency Coll^o Hunter Governor of New York notifying her Maj^{ty}s commands for buying up a great quantity of Provision for her Majestys Service to be paid out of her Majestys Revenues here so far as the same will extend and the remainder in bills on the treasury and acquainted the Council that upon the receipt of the said letters he judged it necessary to dispatch two persons into those parts of the Country where Pork is most likely to be had to buy up all they could find before the News of so great a demand should occasion the raising the price of that commodity, and that he had also sent orders to the Naval Officers to buy at the cheapest Rates all the Pork they could in their several Districts, and to lodge it at convenient places from whence it may [be] ship'd off for her Majestys Service, and desiring the advice of the Council what other measures they think proper to be taken for the better complying with her Majestys commands. The Council do thereupon offer it as their opinion that the directions already given are the most advantageous for her Majestys Service, since it is not to be doubted but the price of Pork will be advanced considerably as soon as y^e news of so great a demand is publickly known: And because the letters from the Governor of New York are very pressing for the buying up as much of that Specie of Provision as can possibly be had This Board are further of opinion that directions be given not only for the purchase of all that can be had in this Colony, but likewise that it will be necessary the Governor endeavour to buy up as much as can be obtained in the Province

of North Carolina. And whereas it appears by the report of her Majestys Receiver General that there is little more than four hundred pounds of her Maj^{ty}s Revenues remaining in his hands which will fall short of paying for so great a quantity of Pork as may be found here & in Carolina, and that some of the people may Scruple to take bills on the Treasury The Governor was pleased (for promoting this Service) to offer that he will advance a thousand pounds towards paying for the Provisions that shall be brought up over and above what can be discharged by the money in the Receiver Generals hands. And if it shall happen that a larger quantity shall be purchased this Board are further of opinion that the bills on the Treasury payable to private persons be endorsed by the Governor, if it be desired, and that this Government will engage as far as is possible for the Satisfaction of the people that receive them. Upon reading at this Board that part of the Letter from the Governor of New York dated the 16th of June signifying her Majestys pleasure for laying an Embargo for a month on all outward bound Vessels. It is the opinion of the Council that the time of the said Embargo be reckoned from the receipt of the said Letter which was on the 28th of last month. And it is ordered that the Audit which was appointed next Munday be further postponed to such time as the Governor shall think most convenient before the departure of the Fleet.

Upon reading at this Board a Narrative of the proceedings of John Clayton Esq^r sent by the Governor to North Carolina in pursuance of the Resolutions of the Council of the 13th of June for mediating a Reconciliation between the partys in arms in that Government whereby it appears that the said mediation was readily accepted by M^r Hyde President of that Province and his Council. but that tho Coll^o Cary made a Show of accepting thereof and appointing a place of Treaty soon discovered his true design was under that pretence to get M^r Hyde and his Council in his power when they were seperated from their guards and would never after agree to any place of Conference where M^r Hyde could rely on the Safety of his person That the said Coll^o Cary having rejected all proposals of accomodation even after it had been signified to him that M^r Hyde and his Council were willing to agree to all the demands he thought fitt to communicate with some necessary explanations, and by his discourse intimating his intentions to treat M^r Hyde in the same manner as Coll^o Park was in Antegoa his [has] given sufficient demonstrations of his aversion to any peaceable accomodation. And whereas the said Coll^o Cary is now on board a Brigantine mounted with Six guns and attended with other Vessels filled with armed men, threatening to begin his hostilitys against the established Government of the said Province of North Carolina This Board are therefore unanimously of opinion that there remains now no other means but that of Force to put a Stop to this Insurrection and to prevent the fatal consequences thereof both to the s^d Province of Carolina and to this her Majestys Colony. And whereas by her Maj^{ty}s Royal Instructions the Governor is impowered and directed upon the applications of the Governors of any of her Majestys Plantations of their being in distress to send them such assistance as the condition of this Colony

can spare, it is the further unanimous opinion of the Board that it is necessary for her Majestys Service and agreeable to her Majestys said Instructions that a compotent force be sent from this Colony to the assistance of M^r Hyde it appearing by the copy of a Petition under the hands of all the Deputys of the Lords Proprietors that he was chosen President by their joint Suffrage and consequently ought to be looked on as in the Legal Administration of that Government. And this Board are likewise of opinion that the project this day communicated by the Governor for assisting the said President and Council of Carolina Viz by marching a detachment of the Militia of this Colony over land, and by obtaining a Reinforcement of Marines from her Majestys Ships of War now here to be sent in their boats to Chowan Sound is the most probable way of putting an end to these commotions, and restoring Peace to her Majestys Subjects of that Province, and is therefore fitt to be pursued. And if by these means it shall happen that Coll^o Cary or any other of the principal Incendiarys shall be taken It is the unanimous opinion of the Council that they be brought into this Colony and secured untill her Ma^{ty}s pleasure be known.

At a Council held at the Capitol the 24th of July 1711

Present The Hon^{ble} the Lieutenant Governor
 Edmund Jenings Philip Ludwell
 James Blair John Smith and
 William Byrd Esq^{rs}

The following Warrants on the Receiver General were this day signed by the Governor in Council Viz^t

Out of her Maj^{ties} Revenue of Quittrents.

To Coll^o Robert Hunter pursuant to her Majestys Warrant thirteen months and six days Allowance ending the 1st of June 1711 five hundred fourty nine pounds Six Shillings and three pence half penny, and

To the Judges Clerks and other Officers of the Court of Oyer and Terminer held in June last pursuant to her Majestys Instructions One hundred p^{ds}.

William Byrd Esq^r her Majestys Receiver General presented to the Governor in Council the account of her Majestys Revenue of Quitrents ending the 1st of June 1711 and the account of her Majestys Revenue of two Shillings per hogshead port dutys and head money &c, ending the 20th of this present month, and having made Oath thereto the same was certified by the Governor in the usual manner.

Whereas it hath been represented to this Board that the Naval Officers neglecting to oblige the Freighters of Skins & Furrs to enter the same upon Oath gives great Opportunity for frauds in the payment of the duty on these Commoditys. It is therefore Ordered that for the future no permitt be granted for Lading Skins and furrs untill Oath be made by the person that pack'd the same of the true contents of each hogshead barrell Chest or pack. And the Naval Officers are required to take care therein accordingly.

The Governor acquainted the Council that the project communicated at their last Meeting for assisting the Government of Carolina was not entirely put in execution, because just as he was preparing to march, he received by an Express the news of Coll^o Cary's being repulsed in an Attack he made upon the President and Council that his Brigantine was taken, and that he was retired to Pamplico: Whereupon finding it would be very inconvenient if not impracticable to march thither, he had discharged the Militia: but the President of Carolina still desiring some Assistance, he had sent a detachment of Marines from one of the Guardships, The Commodore of the Fleet refusing to send any of the Marines from the men of war under his command for that Service.

Whereas this Board are informed that divers persons principally concerned in Abetting and fomenting the present Insurrection & Com-motions in North Carolina, and that have been actually in arms with Coll^o Tho^s Cary in opposition to the established Government there are lately come into this Colony; And it being judged of dangerous Consequence to the peace of this Colony to suffer such Incendiarys to go at large or give them an opportunity to infuse their seditious and factious principles into the minds of her Maj^{ty}'s Subjects here. It is the opinion of the Council and accordingly Ordered that a proclamation issue for apprehending the said Coll^o Thomas Cary, John Porter, Emanuel Low, Nevil Low, George Lumley, Challingswood Ward, Edmund Porter, Levy Trukitt, Stone & Richard Roach if found within this Colony, and to secure them untill they give bond with good Security in the Sum of five hundred pounds Sterling each for their appearance before the next Council, and for their good behaviour in the mean time, the said persons being declared Rebels by proclamation in North Carolina, and if any other person coming from the said Province of North Carolina shall be found endeavouring to infuse any seditious principles into the minds of her Majesty's Subjects of this Colony or other insinuations tending to the disturbance of the peace, that upon proof thereof before the next Magistrate, they be bound to their good behaviour, Or in case the Fact appears such as will subject the Offender to loss of life or imprisonment that they be committed to prison to be further proceeded against according to Law.

On the petition of Mongo Ingles Gent setting forth that by patent dated the 7th of April 1684 there was granted to Charles Edmund and others three thousand acres of Land lying in New Kent County to which he has now Right by purchase. That he has lately discovered that the Lines described in the patent do not joine, which seems to be occasioned either by mistake of the Surveyor or in the Clerk of the Secretary's Office in recording the Survey in leaving out one whole Course: And therefore praying that for avoiding any disputes which may arise hereafter, the said Tract of Land may be resurveyed according to the Lines described in the said patent, and such other Courses run where wanting as may include the said three thousand acres of Land, and that he may thereupon have his patent renewed The Governor with the advice of the Council finding the said petition reasonable is pleased to order as it is hereby Ordered that the Surveyor of the County of New Kent do at the charge of the

said Mongo Ingles lay out and survey the Tract of Land mentioned in the aforesaid patent, begining at the place therein described and runing the several Courses in the said patent so far as the same are consistent, and also to run such other Courses as shall be necessary for including the quantity of 3000 acres mentioned in the said patent or as near as may be to that quantity. And it is further Ordered that the Surveyor give publick notice by setting up notes at the Court-house door of the said County of New Kent ten days at least before he goes upon the said Survey of the time when he will proceed therein, to the end no person concerned in the adjacent Lands may receive prejudice thereby, and the said Surveyor is hereby required to return a Platt & Survey of the said 3000 acres of land to the Governor.

At a Council held at the Capitol the Sixteenth day of August 1711

Present

The Governor

Edmund Jenings
Robert Carter
James Blair

Philip Ludwell
John Smith &
John Lewis Esq^{rs}

The Governor having communicated to the Council a copy of one of her Majestys Instructions to Coll^o Hunter Governor of New York directing him to signify her Majestys pleasure to the Governors of her Majesty's Colonys and plantations on the Continent of America that from the time the Squadron and Land forces shall proceed to the River Canada for the Reduction of that Colony, the whole Militia of her Majesty's plantations be kept under arms for opposing any attempts that may be made by the Enemy for drawing off her Majestys said Forces from the aforesaid Expedition; And further that armed Sloops be kept cruising on the Coast for the speedy discovery of the Enemy's approach. Upon consideration whereof and of the advice's that a French Squadron is actually fitted out for some part of America It is the opinion of the Council that it is necessary the Country be put into an imediate posture of defence by training the Militia, and that the following Scheme proposed by the Governor for the more effectual prevention of the Enemy's attempts be put in execution Viz^t

That a General Muster of the Militia of each County be forthwith appointed and an exact account taken how they are armed & provided with ammunition.

That the Militia of each County be divided into three parts as near as may be without breaking the Troops and Companys, and that each of the said Divisions do meet and exercise once a Week on such days as the Governors shall appoint.

That the Commanding Officers of each County shall notify to the Governor the places of Rendevouze for the respective Divisions of their Militia, and shall likewise appoint a place of Gen^l Rendevouze for the whole Militia of the County upon an Alarm, & notify the same to the Governor.

That for the better discovering the approach of the Enemy, an armed Sloop be fitted out with a number of men not exceeding fifty to cruise at the Capes, with directions for making the proper signals for Alarming the Country upon such discovery.

That for the more speedy alarming the Country Beacons be set up at all the proper plantations on the great Rivers and bays and that upon the firing the Beacons intended to be set up at York and Jamestown, and discharging two pieces of Canon at each of the said places all the other Beacons on the said Rivers and up the bay be in like manner fired and not otherwise.

That upon the firing of the Beacons as aforesaid the Militia of the several Countys do immediately repair to the respective places of General Rendevouze without further order.

That for the better opposing the Enemys piercing into the Country a battery of fifteen pieces of Canon be raised on Point Comfort, and a line cast up for defence thereof from the bay to Mill Creek.

That a Battery of fifteen pieces of Canon be raised at Tyndals point, and another Battery of ten pieces of Canon on the opposite side of the River at York, with such Lines and works for the defence thereof as shall be found necessary.

That a battery of sixteen pieces of Canon be raised at Jamestown, and a line cast up for covering the same from James River to back Creek.

That a Line be marked out from Back Creek to Archers hope, and from Archers hope Creek to Queen's Creek to cover Williamsburgh, and the upper parts of the Country between York and James Rivers and for a retreat for the people in the lower part of that Neck, in case the Enemy should force their passage at Point Comfort: but that the said Lines be not cast up but upon such a Contingency.

That ten small pieces of Ordnance be mounted on field Carriages for Land Service, and

That Artificers and all other persons necessary for the Services above-mentioned be impressed and imployed pursuant to the Act of Assembly for defence of the Country in times of danger.

Ordered that the Commanding Officers of the Militia in the Countys of Elizabeth City, Princess Ann, Northampton & Accomack appoint Lookouts in the said Countys according to the directions of the Act of Assembly.

Whereas her Majesty hath been pleased to direct that a day of publick Fasting and humiliation be kept and observed in each of her Majesty's plantations on the Continent of America to implore the blessing of Almighty God on her Majestys Arms imployed for the Reduction of Canada. It is Ordered that the seventh day of September next be set apart and observed for that purpose throughout this her Majesty's Colony, and a proclamation being prepared was read in Council and Ordered to be issued accordingly.

M^r Emanuel Low of the Province of North Carolina being apprehended pursuant to the proclamation issued the 24th of the last month and this day brought before the Governor in Council, and humbly moveing that he may not be sent back to North Carolina but permitted to stay in this Government upon his giving Security for his

good behaviour It is thereupon Ordered that the said Emanuel Low be discharged out of Custody, upon his giving bond with sufficient Security, That as soon as her Majestys pleasure shall be signified concerning the late disputes and Commotions in the said Province of North Carolina, he shall when required make his appearance before the Governor of this Colony, and shall be of good behaviour in the mean time.

On the petition of John Summons, setting forth that at the desire of the Nottoway Indians and for the conveniency of the Inhabitants on Nottoway River he intends to build a Water mill on the Buckhorn Swamp within the Tract of Land of six miles square appropriated for the said Indians and praying the Governor's Leave and approbation for purchasing of the said Indians one acre of Land on each side the said Swamp for his conveniency in building the said Mill. The Governor in Council is pleased to approve thereof, it being for the publick benefite of the said Indians as well as of the other Inhabitants of that part of the Country.

On a representation from the Justices of Richmond County. Ordered that a new Commission of the peace issue for the said County, with the addition of Moor Fauntleroy, Jonathan Gibson, Richard Taliaferro, Thomas Fitzhugh and William Fauntleroy Gent^s

At a Council held at the house of Major Nathaniel Harrison the 8th
day of October 1711

Present

	The Governor
Benjamin Harrison	Philip Ludwell &
	William Byrd Esq ^{rs}

Whereas some of the Towns of the Tuscaruro and other Indians on the Frontiers of North Carolina did on the 22^d of last month committ a barbarous Massacre on her Majestys Subjects of that Province, and still continue to make war against that Government To the end therefore that the said Indians may be deprived of the means to prosecute their barbaritys upon her Majesty's Subjects. The Governor with the advice of her Majestys Council doth hereby strictly prohibit and forbid all persons within this Colony to trade or traffique with the said Tuscaruro or any other Indians for any Sort of Commodity untill further order. Certifying such as shall act contrary hereunto that they shall be prosecuted with the utmost Severity. And the Sherifs of the several Countys are required forthwith to signify this Order to the respective Indian Traders and to publish the same at the Court house and in all Churches and Chappells in their said Countys.

Resolved and accordingly Ordered

That for the better securing the peace and Tranquility of this Government and preventing the further incursions of the Indians M^r Peter Poythres be forthwith dispatched to such of the Tuscaruro Towns as refused to join with the rest of their nation in the late Massacre, requiring them to send Deputys to meet the Governor at the Nottoway town on the 17th of this month to treat of a peace with her Ma-

jesty's Subjects of this and the Neighboring Colonys and Plantations: and for the better inducing them to this Treaty that the said M^r Poythres acquaint them that no Trade will be allowed them from hence till the said peace be concluded, and that he also assure them of a Safe Conduct for their coming in and returning, and for that purpose a Guard shall be sent to meet them at the Saponie town.

That forasmuch as the Baron de Graffenried Cheif of the Swiss & Palatine's Settlement in Carolina did unfortunately fall into the hands of the Indians some days before the Massacre and is detained a prisoner, and his life in imminent danger It is Ordered that a message be also sent to the Town where he is to demand that he and any other of the Inhabitants of Carolina prisoners among them be delivered up to this Government as her Majesty's Subjects, and to threaten them that if any violence be offered to the said Prisoners this Government will revenge it upon the whole town or Nation that shall be found guilty.

That since the making of a shew of some part of the Strength and force of this Colony may be very necessary to awe the said Tuscaruro Indians not only to continue in peace with us but also to joine in the Destruction of those Assassines It is Orderéd that the whole Militia of the Countys of Isle of Wight Surry and Prince George be drawn together under arms at the Nottoway town with six day's provisions against the time the said Tuscaruros are expected there.

Pursuant to the above Resolutions the Messages to the Tuscaruro Indians to be sent by M^r Poythres and also the Orders to the Commanding Officers of the Militia were prepared and signed by the Governor in Council.

At a Council held at the Capitol the 15th of October 1711

Present

The Governor

Edmund Jenings
James Blair
Philip Ludwell

Henry Duke
John Smith &
John Lewis Esq^{rs}

The proceedings of the last Council held at Major Nathaniel Harrison's were this day read at the Board and approved as the best means to answer the ends proposed therein for obtaining Satisfaction for the late Massacre committed in Carolina.

This Board taking into consideration what Terms may be most proper to be insisted on at the Conference with the Tuscaruro Indians in order to obtain a just Satisfaction for the murders committed by some of their Nation and other Indians in the province of Carolina came to the following Resolutions;

That the engaging the said Tuscaruros to carry on a War by themselves against the Nations concern'd in the late Massacre will be most for the ease of her Majestys Subjects of this Colony, and that therefore all possible endeavours be used for that purpose by promising them such suitable Rewards as the Governor can persuade them to accept for the head of each man of the Indian Enemy which they

shall kill and bring in, and also for each Woman or Child taken prisoners and delivered here. And for the better attaining this end that the Governor enter into an Alliance with them both Offensive and defensive if they desire it, not doubting but the General Assembly will enable the Government to make good all such engagements.

That if the said Indians shall not be willing to carry on a War by themselves, that then it is necessary to insist upon their acting in Conjunction with this Government and Carolina in the prosecution of the said War, and that Hostages be demanded of them for their fidelity.

That if the said Indians Shall not agree to either of the Terms above proposed, but pretend to stand Neuter, the like Hostages be forthwith demanded of them to be delivered with all possible Speed.

That in case the said Tuscaruros shall fail to come in according to the Governor's appointment, such a detachment of the Militia of the nearest adjacent Countys as the Governor shall think fitt be forthwith sent to the said Tuscoruro Towns to require them imediately to attend the Governor and to bring with them Hostages for their fidelity in case they continue in peace with this Government.

For the better protection of the Inhabitants of this Colony against the Incursions of Indians; It is Ordered that ten men & an Officer out of each of the Frontier Countys be appointed to Range three days in a Week above the Inhabitants, and that the said party be from time to time relieved by a like number, with power to the Commanding Officers of the Militia of the said respective Countys to augment the number of the said Rangers, as the cause of danger shall require.

Whereas the Inhabitants of this Colony are frequently alarmed by the Tributary Indians hunting in several places where they are not known to be such: For preventing whereof for the future, and that all Indians in Amity may be distinguished from other vagrant Indians It is the opinion of this Board that it is necessary all the Tributary Indians be obliged to ware Copper badges, and all other Indians in Amity to ware Peuter badges, to the end that if any disorders be committed by any Indians having such badges, the Nation to which they belong may be made accountable for the same. That no Tributary Indians or others in Amity be permitted to hunt or come among the Inhabitants of this Colony without such badges. That once every year they bring in all their badges to be examined, and in case any of them be wanting, that they give an account how lost or if taken from'em by any strange Indians, that they be required forthwith to give an account thereof, that so any other Indian upon whom the said Badge shall be found may be secured for preventing any disorders that may be committed by foreign Indians coming amongst the Inhabitants as friends under colour of the said badge: But because the providing the said badges will requires some charge It is thought fitt that this proposal be communicated to the next General Assembly, that they may make provision accordingly.

Whereas a Murder has lately been committed by Indians on the head of Pamunkey River. It is Ordered that the Interpreter to the Pamunky & Chicahominy Indians go to the said Nations & require the Queen & Great men, and particularly y^e Indian called Tom Rogers to attend the Governor at W^ms^burgh on tuesday the 23^d instant and

give an acco^t what Strange Indians have been lately amongst them, or have been ranging on the Frontiers who may be suspected of the aforesaid murder. And it is further Ordered that the s^d Interpreter do then bring with him a List of all the men, Woman & Children of each of the s^d Nations.

October the 24th 1711

Present

The Governor

Edmund Jenings
Robert Carter
James Blair
Philip Ludwell

Henry Duke
John Smith
John Lewis
William Byrd Esq^{rs}

The Governor this day acquainted the Council that pursuant to the Resolutions on the 15th instant he had mett the Deputys of the Tuscaruro Indians at the Nottoway town, and had made the demands then agreed on; That he found the said Deputys very desirous to continue in peace with her Majesty's Subjects as well of this Government as of Carolina, and well enough inclined to enter into a War with the Indians concerned in the late Massacre, upon promise of a Reward of six blanketts for the head of each man of the said Indians killed by them, and the usual price of Slaves for each Woman and Child delivered Captives, but that they desir'd time till the 20th of the next month to consult with their respective Towns, and had promised to come to Williamsburgh against that time or within five days thereafter with a final Answer, both as to their entering into the said War and their delivering Hostages for their fidelity.

The Queen and Greatmen of the Pamunkey and Chicahominy Indians attending the Governor pursuant to the order of the 15th instant presented a List of all the men Women & Children of their respective Towns, and declared that they do not know what Indians they were that committed the late murder in New Kent County, and that no Strange Indians have been at their towns nor any other except five Nottoways that came thither about a month ago Whereupon the Governor informing the said Indians that it was their duty according to the Articles of peace to give imediate notice to some Officer of the Militia upon their discovering any strange Indians on the Frontiers, the said Indians did promise to observe that Article of the Treaty of peace for the future and also that they would sieze and bring in any strange Indians they should find upon the heads of Pamunkey or Mattapony River, provided the Nottoways and Tuscaruros were forbid to hunt there. And it is Ordered that the consideration of settling proper bounds for each Nation of the Tributary Indians to hunt in be referred till the meeting of all the said Indians at the next Gen^l Court.

The Governor having proposed to the Queen of Pamunkey and the Great men of the Chicahominy Indians to deliver Hostages for their fidelity in the same manner as the other Tributary Indians have done upon the encouragement of having such Hostages educated at

the College and maintained at the publick charge, the said Indians did promise to deliver two boys of the Pamunkey Nation whereof one to be the Queen's Son, and one boy of the Chicahominy Nation within one month, and did also signify their desire that the said Children should be educated according to the Governor's proposal.

On the Complaint of the Pamunkey Indians that several of their Nation are entertained among the Inhabitants against the Will of the Queen and Great men, and that when the said Indians have been desired to return to their Town, the persons in whose Service they are employed have refused to suffer them. It is thereupon Ordered that no person presume to hyre or entertain any Tributary Indian without a license first obtained under the hand of the Governor. And the Governor was pleased to declare that no such License shall be granted untill the Great men of the Nation to which such Indian belongs shall first signify their Consent.

Whereas her Majesty hath been pleased to signify her disallowance and disapprobation of an Act passed in a General Assembly held in the year 1666 Entituled An Act declaring what is meant by seating of Land, and one made at a General Assembly begun the 23^d of October 1705 Entituled An Act concerning the granting Seating and planting for Settling the titles and bounds of Lands and for preventing unlawful shooting and ranging thereupon And although the last mentioned Act is particularly repealed, and the said first mentioned Act may be construed to be in like manner virtually repealed by the General Repealing Clause of An Act passed the last Session of Assembly; yet, less any doubts may arise upon the Construction of the said General repealing Clause. It is the opinion of this Board and accordingly Ordered that a proclamation issue declaring both the said Acts in 1666 and 1705 to be repealed and declared void and of none Effect pursuant to her Majestys pleasure signified thereupon.

On the petition of George Wortham convicted this General Court for killing one Roger Davis of Middlesex County It being found by the Jury that the said Fact was committed *se defendendo* The Governor was pleased with the advice of the Council to order a pardon to be prepared for the said Wortham in the usual forme.

On the petition of John Jones convicted this General Court and found guilty of Manslaughter for killing one John Seewell It appearing that the Fact was altogether Casual and involuntary The Governor was pleased with the advice of the Council to pardon the punishment of burning in the hand; And it is Ordered that the Attorney General prepare a pardon for the said Jones accordingly.

At a Council held at the Capitol the 13th day of November 1711

Present

The Governor

Edmund Jennings
James Blair

Philip Ludwell
Henry Duke &
John Smith Esq^{rs}

On the petition of Samuel Harwood jun^r setting forth that he petitioned the General Court for Liberty to enter for an Island called

Pussimon Island in Wyanoak parish That the general Court did adjudge the Vestry of the said parish had a more equitable Right to enter for the same, and that the granting the said Island to the parish as a Common will be very injurious to the petitioner's land, and therefore praying the Grant of the said Island may be made with such Restrictions as may prevent those Inconveniencys, or that the petitioner may have a Grant of the said Island upon making over and confirming to the parish Land of equal value convenient to their Church. The Governor with the advice of the Council is thereupon pleased to order as it is hereby Ordered that Littlebury Epes and Samuel Harwood Gent view the said Island together with the Land proposed as an Equivalent, And in case the Vestry of Wyanoak parish do consent thereto to lay out and assign as much of the said Land as shall be of equal value to the Island petitioned for, and to make report of their proceedings to the Council Office, that a patent may accordingly issue for the said Island, upon the said Samuel Harwood jun^r his conveying the equivalent Land to the use of the parish

November the 16th 1711

Present

The Governor

Edmund Jenings
James Blair
Philip Ludwell

Henry Duke
John Smith
John Lewis &
William Byrd Esq^{rs}

Augustine Smith and William Thornton having each of them petitioned for a Tract of land granted by patent to one John Bouzee of Essex County found first on the petition of the said Smith to escheat to her Majesty for want of Heirs of the said Bouzee, and afterwards on the petition of the said Thornton found to revert to her Majesty for want of the said Bouzee's seating and planting thereon according to the condition of his patent. This Board taking into consideration the charges which Augustine Smith hath been at in prosecuting the said Escheat, and that thereby occasion was given for the discovery of it's becoming lapsed are of opinion that the petitioner's have equal pretentions to her Majestys favour. Whereupon the Governor is pleased to order as it is hereby ordered that the said Tract of Land (containing as by the Survey thereof made by the said Smith one thousand seven hundred and eight acres and four pole) be equally divided between the said pet^{rs}, And that the said Smith have his first choice, And it is Ordered that Platts of the said Dividents of Land be returned to the Secretary's Office that patents may be prepared thereupon.

On the petition of William Smith for a Grant of nine hundred twenty six acres of Land found Lapsed from Charles Brown of the County of Essex for want of seating and planting. Certificate being produced from the General Court that the said William Smith is the first petitioner and hath prosecuted the same with Effect It is Ordered

that a patent be prepared for granting the said Land to the said Augustine Smith upon the conditions mentioned in her Majesty's Instructions.

On the petition of Augustine Smith for a Grant of four hundred acres of Land found lapsed from Edward Rackley of the county of Essex for want of seating and planting. Certificate being produced from the General Court that the said Augustine Smith is the first petitioner for the said Land and hath prosecuted the same with Effect. It is Ordered that a patent be prepared for granting the said Land to the said Augustine Smith upon the conditions mentioned in her Majesty's Instructions.

On the petition of Thomas Jewell praying to be heard before any patent be issued to John Parker upon an Escheat Warrant obtained by him for the Land of one Hubble Hubbleson of Essex County. It is Ordered that the said petition be lodged in the Secretarys Office as a Caveat against the issuing the said patent, and that the petitioner be heard thereupon at the next General Court.

On the petition of Nicholas Valentine for stoping the issuing of a patent to William Henley on a Warrant obtained by him for enquiring into the Escheat of John Veer's Land in James City County. It is Ordered that the said petition be lodged in the secretary's Office, and that the pet^r be heard thereupon at the General Court before any patent issue upon the s^d Escheat.

Harry Beverley by his petition complaining that Charles Smith dec^d late Surveyor of the County of Essex in Conjunction with one Thomas Thorp of the said County had fraudulently contrived to defeat an Entry for about six or seven hundred acres of Was^t Land, and to enter the same in the name of the said Thorp, in whose name the patent is sued out, altho it appears by the last Will and Testament of the said Charles that the one Moiety of the said Land is to be conveyed to this use and behoof, and praying that no patent may issue to the heirs of the said Thorp untill the pet^r be heard. It is therefore Ordered that the said petition be Lodged in the Secretary's Office, and that the pct^r be heard to make out his Right to the said land before the next General Court.

November the 20th 1711

Present

The Governor

Edmund Jenings
Robert Carter
James Blair
Philip Ludwell

Henry Duke
John Smith
John Lewis &
William Byrd Esq^{rs}

Several patents for Land being prepared were this day signed by the Governor in Council

The Queen of Pamunky having in pursuance of the Governor's proposal this day presented her Son together with two boys, Sons of the Greatmen of that Nation, desiring they may be educated at the College, and that one other boy may be also permitted to attend the Son of the said Queen and have in like manner the benefite of Learning:

The Governor was pleased to ask the advice of the Council whether all the said Indian Children (being more in number than the Hostages demanded of that Nation) shall be received, especially since the House of Burgesses have not yet signified any inclination to settle a Fund for the Conversion and education of such Indians. This Board are unanimously of opinion that it is fitt to encourage this good disposition of the Indians, and that all the said Children be admitted into the College and receive the education of which they seem so desirous, not doubting but the College will be enabled to support that charge either by an Exhibition from the General Assembly or by the private Charity of other well disposed persons for promoting so good a design.

November the 26th 1711

Present

The Governor

Edmund Jenings
Robert Carter
James Blair

Philip Ludwell
John Smith
John Lewis &
William Byrd Esq^{rs}

Whereas This Board are informed by Letters from Coll^o Hyde Governor of North Carolina, and from Coll^o Thomas Milner of Nansemond County that several Sorts of wareing apparel belonging to the Palatines lately massacred in Carolina have been discovered among the Maherine Indians, which give just Suspition that the said Indians or some of them were concerned in the s^d Massacre It is thereupon Ordered that a detachment of the Militia of Nansemond County be forthwith sent to the Maherine town to make Search for such suspected goods, and that upon discovery thereof they sieze all the Men of that Nation and send them under a guard to Williamsburgh in order to be examined and tryed for the same, and that all the Women and Children be likewise secured untill further Order. And it is further Resolved that in case such discovery be made amongst the Maherines, the like Search be made in the Nottoway and Saponie towns, and they in like manner secured if any goods be found among them that may give just cause of Suspition And this Board are further of opinion that imediately upon siezing any of the said Indians, the Rangers on the Frontiers be doubled for preventing the Attempts which may be made on this Colony by their Accomplices.

November the 28th 1711

Present As Yesterday & Coll^o Duke.

Whereas the House of Burgesses of this Colony and Dominion upon consideration of the horrid barbaritys murders and hostilitys lately committed upon her Majestys Subjects in North Carolina by certain of the Tuscaruro Indians, and the dangers which daily threaten the Inhabitants of this Colony from that Nation have by their Address this day presented to her Majestys Governor humbly intreated him

as well for the defence and Security of this Country as for doing Right to our injured and oppressed Neighbours to declare War against those Tuscaruro Indians their Adherents and Abettors, and to enter into such Treatys and Alliances with the Government of North Carolina or any other Government as shall seem most proper for that purpose.

It is thereupon Resolved by the Governor with the unanimous advice and consent of her Majesty's Council that preparations for War against those Indians who committed the late horrid Massacre in Carolina their Adherents and Abettors be forthwith begun; That measures be concerned with the Government of North Carolina for the more effectual prosecution of the s^d War; And to that end that a Conference be desired at some convenient place midway between Williamsburgh and Carolina where her Majestys Lieu^t Governor of this Dominion may meet the Governor of North Carolina and his Council to consult of what shall be most proper in this Conjunction. And that in order to excite that Government to timely and vigorous Resolutions, A copy of the Address of the house of Burgesses together with the Resolutions of this Board thereupon be forthwith sent to the Governor of North Carolina to be communicated to the Assembly of that province now sitting, with assurance that this Government will effectually stand by and assist them if they will do what is necessary on their part in carrying on the war against the said Indians, untill full satisfaction be obtained full satisfaction for the murders & hostility's committed in that province, and Security for the future peace and safety of all her Majestys Subjects in both Governments And that the Governor & Assembly of North Carolina be desired to use pressing endeavours for engaging the Government of South Carolina in the like measures for subduing the aforesaid Indians And as a necessary step thereto to prohibit all Trade and Commerce with the Indians, especially for Arms and Ammunition untill the War be happily terminated.

That the Governors of her Majestys Province of New York, Pensilvania and Maryland be forthwith acquainted with the Resolutions of this Government for entering into a War with those Indians, and the just grounds there are to suspect that the Northern Indians or the greatest part of them are confederated with and privy to the murders committed by the Tuscaruro & other Indians in Carolina, not only from the great numbers of Northern Indians that have for a year past resorted to the said Tuscaruro and other Southern Indians, but from the reports of persons of Credit who have been lately among the Northern Indians and observed their behaviour so far different from what it used to be towards her Majesty's Subjects And that the said Governors be further requested to take such measures as they shall think proper to awe the Indians under their respective Governments from joining with or giving any assistance to the Tuscaruro or other Southern Indians engaged in this War, more particularly that the Government of Maryland be moved to joine with this Government and Carolina in carrying on this War, from the consideration of the nearness of their own danger, in case our Endeavours against the Indian Enemy should prove unsuccessfull.

That all our Tributary Indians be forthwith strictly charged to keep within the Inhabitants and to hold no Correspondence with or

give Entertainment to any of the Tuscaruro or other Southern Indians on pain of being treated as Enemys.

That an Estimate of the charge of carrying on the War be prepared to be laid before the House of Burgesses together with the necessary charge of defending and securing the Frontiers untill the War be declared.

That all prudent endeavours be used for engaging those towns of the Tuscaruro Nation that refused to joine in the late Massacre to assist in carrying on the War against those Murderers their Adherents and Abettors, and for securing their friendship upon the proposals offered them at Nottowaytown.

That if during the preparations of War no Satisfaction be given by the Indians for the Murders committed in Carolina, nor sufficient Security offered for their future peaceable behaviour, the War be declared as soon as it shall be a proper Season for entering upon Action.

December the 7th 1711

Present

The Governor

Edmund Jenings

Henry Duke

Robert Carter

John Smith

James Blair

John Lewis &

Philip Ludwell

William Byrd Esq^{rs}

Whereas Henry Cary Overseer for the building the Governors house amongst divers other mismanagements and misapplications of the publick money with which he is intrusted hath under pretence of dieting the Workmen employed in the said building taken the liberty to maintain his whole family at the publick charge without any Warrant for the same either by Law or from the Governor and Council under whose direction he is. It is the opinion of this Board that the said Henry Cary's taking upon him to diet the Workmen without any direction for so doing has been an extravagant and unreasonable expence, and that the supporting his own Family out of the provisions bought for the Workmen is illegal and unwarrantable, the Act of Assembly having allowed him a sufficient Sallary of a hundred pounds per annum out of which he ought to have defrayed the charge of his own and his family's Subsistance, And therefore he ought to give Credit to the Country for all the provisions not expended for the imediate Subsistance of the Workmen employed in the said building And it is Ordered that the said Henry Cary be required to lay before this Board the Account of his disbursements to be examined and passed according to the directions of the Act of Assembly for finishing the Governor's house.

December the 8th 1711

Present

As Yesterday

Eight of the Towns of the Tuscaruro Indians having sent Deputys to treat of a peace and Alliance upon the terms proposed to them at

Nottoway town, and having signified their desire to come to a speedy conclusion therein It is Resolved that the s^d Deputys be heard this day in Council. That the House of Burgesses have notice to be present at the Conference with the said Deputy's if they think fitt, and that the terms proposed to the said Indians at the Nottoway town be the foundation of this Treaty.

The Deputys of the Tuscaruro Indians being brought before the Governor and Council and the House of Burgesses being present M^r Peter Poythres was sworn truly to interprete and explain to the said Indians all questions that should be demanded by the Governor or any other person with his consent and approbation, and truly to declare the answers that should be given by the said Indians; Whereupon Chongkerarise, Rouiatthie, and Rouiattatt declared that they had full power from the town of Raroucaithue, Kinquenarant, Taughoushie, Chounanitz, Taughoutnith, Kinthaigh, Touhairoukha and Unaghnarara to treat and agree with this Governm^t upon the terms proposed by the Governor at Nottowaytown which were well liked by all their Towns: Then they excused themselves for not coming in at the time agreed on which was occasioned by the Sickness of one of their number and his inability to travell so that they were forced for several days to carry him and at last obliged to leave him very ill at the house of M^r Poythres. That they desired nothing more than to continue in peace with this Government: and in order thereunto are willing to make War upon and cutt off all the Indians concerned in the late Massacre, even those of the town of Caughteghnah tho they are part of their own Nation, And that for the better enabling them to perform this, they are now making a Collection of presents to send to the Shachoes and Chickahaws to engage them to joine against the aforesaid Indians, And being asked if they would undertake to get out of the hands of the Enemy the Captives taken in Carolina, they answered they had already consulted how to get those Captives from the Enemy, that it was once proposed to go by night and steal them away, but that was disliked lest some of the said Captives might happen to be killed if the Enemy opposed the carrying them off, and therefore it was concluded to try some other means which they hoped to accomplish after their Return to their towns: And being further asked if they were willing to deliver Hostages for their fidelity, they answered they were very ready, and would have brought some now if an accident of two of their Nation being killed by strange Indians had not made the Parents more fearfull to part with their Children lest the like misfortune should befall them in so long a Journey And after several other questions concerning the strength of the Indian Enemy, the number of their own towns and the rewards which they expect for carrying on the War, the said Deputys withdrew And thereupon The Council came to the following Resolutions.

That it doth appear by the examination of the said Tuscaruro Deputys as well as by testimony of M^r Peter Poythres that their not coming in according to their former appointment was occasioned by an unavoidable accident and not any designed delay

That since the said Deputys have signified their readiness to engage in a War against the Nations concerned in the late Massacre

upon the promise of a Reward of six blanketts for the head of every man of the Enemy killed by them, and the usual price of Slaves for each Woman and Child delivered here alive, and have already given proof of their being in earnest by the advances made to engage the Shackoes and Chicahaws and any other Neighbouring Indians in their Alliance, there is great probability of their Sincerety in performing the same especially where their interest is so much concerned

That it is therefore necessary for her Majesty's Service immediately to conclude a League with the said Indians. 1st To engage them to obtain the Releasment of such of her Majesty's Subjects as are Captives amongst the Indian Enemys. 2^{dly} That they shall immediately engage the Shackoes and Chicahaws and any other Neighbouring Indians in their Alliance and jointly make War upon all the Indians concerned in the late Massacre, untill sufficient Reparation be made for the murders and hostilitys by them committed. 3^{dly} That they shall deliver Hostages for their future good behaviour That the said Hostages by [be] their Chiefmen's Sons, and shall be brought in here by the 25th day of March next at furthest. That on the part of this Government a promise shall be made them of engaging the Government of Carolina, and the Nation of the Saponies to assist the said Tuscaruro towns, That according to their desire none of our Tributary Indians shall be permitted to harbour or entertain any of the Indian Enemy, That a Reward of six strip'd blankets be paid the said Indians for the head of each man of the Enemy killed by them, and the usual price of Slaves for each Woman and Child delivered here alive. That the charges of their presents to the Schackoes & Chicahaws shall be defrayed at the expence of this Government and Carolina, and likewise at the same expence a sufficient quantity of ammunition furnished them for carrying on a War as soon as they have delivered their Hostages, And that assurance be given them that upon their performance of their engagements to this Government, a peace shall be concluded with them, and a free trade again opened between this Colony and their towns, and likewise that according to their desire this Government will interpose that no unjust Encroachments be made upon their Lands by the Inhabitants of North Carolina And it is Ordered that a Treaty be drawn in forme upon the Resolutions above mentioned.

December the 11th 1711

Present

As above.

The Articles of a League between this Government and Eight Towns of the Tuscaruro Indians being prepared according to the Resolutions on the 8th instant, and having been read and interpreted to the Deputys of the said Towns by Mr Poythres were this day signed and interchanged.

December the 18th 1711*Present*

The Governor

Edmund Jenings
Robert CarterJames Blair
John Smith &
William Byrd Esq^{rs}

Whereas a bill hath passed the Council and Burgesses this Session of Assembly for appointing Rangers for the better protection of the Frontiers against the incursions of Indians, and it being left to the Governor to appoint Officers for the said Rangers and to direct the times and places for their forming that Service. It is the opinion of this Board that the most proper Stations for the several partys of Rangers are these following Viz^t One party consisting of a Lieutenant and Eleven men for the County of Isle of Wight, being the most Southwardly Frontier on Maherine River. One party for Surry County, One for Prince George, One for that part of Henrico between Appomattox and James River, One for that part of Henrico on the Northside of James River, One for the County of New Kent, One for the County of King William, One for the County of Essex to range between Mattapony River and Rappahannock, One for the County of Richmond, One for that part of Stafford which lyes on the Southside of Accoquan, and One for that part of Stafford County between Accoquan and Potomack River. And Ordered that Commissions and Instructions be prepared for the Lieutenants of the said Rangers pursuant to the directions of the aforesaid Act of Assembly.

December the 19th 1711*Present*

As Yesterday

The Great men of the Saponie, Occoneechee & Stukanox Indians this day attending the Governor in Council, and declaring that the said Indians were desirous to live together, and praying that a piece of Land on the Northside Maherine River above the Tuscaruro trading path may be assigned them for their habitation. It is thereupon Ordered that the said Indians continue where they now live, untill inquiry be made whether the Land desired by them be taken up by any of her Majesty's Subjects. And the said Indians were acquainted that if the said Land be yet wast^t, or if they can find out any other Tract not entered for by any of the Inhabitants of this Colony it shall be laid out by the Surveyor of that County, and no other person suffered to seat thereon.

December the 20th 1711*Present*

The same as Yesterday.

On reading at this Board the examination of John Philips a Christian Slave belonging to M^r Joseph John Jackman of Surry County

giving an account that one Treweekes a Nottoway Indian had discovered to him that the said Nottoway Indians together with the Senecas and Tuscaruros designed to cutt off the Inhabitants of this Colony on the Southside James River It is Ordered that the King and Greatmen of the Nottoway Indians together with the said Indian named Treweekes be forthwith siezed and brought to Williamsburgh in order to be examined for the better discovery of the truth of what is represented by the said John Philips And it is Ordered that the said Philips be also brought before the Governor to confront the said Indians at their examination.

Divers patents for Land being prepared according to her Majesty's Instructions were this day signed by the Governor in Council. On the petition of George Hoggard of Surry County setting forth that he obtained a Warrant to enquire of the Escheat of two hundred and seventeen acres of Land late belonging to Stephen Manwarring of the said County, that he hath prosecuted the said Escheat according to the rules of the General Court, and obtained a Certificate from the said Court accordingly. And that the petitioner being unable to pay the Composition and fees for obtaining a patent, hath assigned his Right to one William Rookings, and therefore praying that a patent may issue to the said Rookings for the aforesaid Land. It is Ordered that a patent be prepared accordingly in the name of the said Rookings, he producing Certificates from her Majestys Receiver General of his having paid the Composition due to her Majesty and other fees arising on the said Escheat.

The following Warrants on the Receiver General to be paid out of her Majesty's Revenues were this day signed by the Governor in Council Viz^t

Out of the 2 S per hogshead &c

To the hon^{ble} Alexander Spotswood her Majestys Lieutenant Governor of this Colony for half a years Sallary ending the 25th of October last One thousand pounds.

To the hon^{ble} Alexander Spotswood her Majestys Lieutenant Governor for half a year's houserent ending the same time Seventy five pounds.

To the Gentlemen of her Majestys hon^{ble} Council for half a year's Sallary ending the same time One hundred seventy five pounds.

To William Blathwayt Esq^r Auditor General of America half a years Sallary ending the same time Fifty pounds.

To Nathaniel Blackistone Esq^r Sollicitor of the Virginia affairs half a years Sallary ending the same time Fifty pounds.

To Stevens Thomson Esq^r her Majestys Attorney General half a years Sallary ending the same time Twenty pounds.

To William Robertson Clerk of her Majestys hon^{ble} Council half a years Sallary ending the same Fifty pounds.

To Edward Ross Gunner at James City half a years Sallary ending the same time Seven pounds ten shillings.

To M^r Richard Bland for so much paid by him to several Ministers for their Attendance one General Court and Assembly Ten pounds

And Out of the Revenue of Quittrents

To M^r Commissary Blair for half a years Sallary ending as above Fifty pounds.

To Stevens Thomson Esq^r her Majestys Attorney Genll half a years additional Sallary Thirty pounds.

December 24th 1711

Present

The Governor

Edmund Jenings
James Blair

Philip Ludwell
John Smith
William Byrd Esq^{rs}

The Governor acquainting the Council that he could not percieve any disposition in the House of Burgesses to proceed on business for the Service of the Country It is the unanimous opinion of this Board that a recess be given them for a month, in hopes that their Separation to attend their private affairs may bring them together with a better temper, and that 'tis most proper to be done by an Adjournment that the bills already agreed on may remain ready for the Governors Assent at the next Meeting.

January the 26th 1711 [1711/12]

Present

The Governor

Edmund Jenings
James Blair
Philip Ludwell

Henry Duke
John Smith
John Lewis
William Byrd Esq^{rs}

Whereas divers persons have notwithstanding the former prohibitions published by this Government continued to seat within the Contraversed bounds between this Colony and Carolina, and upon the lands intended for the Tributary Indians, and by removing so far from the other Inhabitants have put themselves out of the protection of the Rangers appointed for defence of the Frontiers, and exposed themselves to the incursions of foreign Indians It is Ordered that a proclamation issue Requiring all such persons forthwith to retire, and that none hereafter presume to seat themselves beyond the following bounds untill further order. Viz^t In Nansemond County beyond Nottoway River and in Isle of Wight Surry and Prince George Countys beyond the Maherine River.

January 29th 1711 [1711/12]

Present

As before

On reading at this Board the petition of Alexander Forbes Clerk Minister of the upper parish of Isle of Wight County setting forth that

one Silvestra Hill by her last Will and Testament did bequeath a certain Tract of Land containing three hundred and fifty acres to be sold, and the price thereof to be laid out in English goods and distributed among the poor of the said parish. That the Executor being lately dead without fulfilling the Will, the heir at Law has taken possession of the said Tract of Land with intent to defeat the good purposes of the deceased, and praying that the poor of the said Parish may be relieved therein. It is Ordered that M^r Attorney Gen^l do consider and report his opinion in what manner the said Will may be fulfilled, and the Land sold for the benefite of the poor of the said parish.

Whereas one John Ratliff a Quaker having been lately baptized by a Minister of the Church of England did soon after with divers other Quakers come on a Sunday to the parish Church of Newport in Isle of Wight County, and there in presence of the Congregation assembled for divine Service offer a Scandalous prayer highly reflecting on y^e doctrine & discipline of the Church of England It is ord^d that the s^d Ratcliff be prosecuted for the same

January the 31st 1711 [1711/12]

Present

The Governor

Edmund Jenings
Robert Carter
Henry Duke

John Smith
John Lewis
William Byrd Esq^{rs}

This Board having had under consideration the dangerous State of this Country for want of that provision which ought to have been made by the House of Burgesses for it's defence against the incursions of the Indians, and their total neglect of all measures for enabling the Governor to perform the Treaty with the Tuscaruro Indians, upon which the Security of this Colony doth so much depend. And upon examination of the publick acco^{ts} it appearing that the Revenue for Support of the Government is become so deficient that it cannot furnish the Supplys and payments promised to the said Tuscaruro Indians: William Byrd Esq^r her Majestys Receiver Gen^l offered to advance five hundred pounds towards enabling the Governor to comply with the said Treaty, or such Articles thereof as he shall judge more imediately necessary for the preserving the peace of this Colony, and to wait the increase of the Revenue for repayment thereof. Whereupon the Council are of opinion that the said offer be accepted: And for the better protection of her Majesty's Subjects against the incursions of foreign Indians The Council came to the following unanimous Resolution That upon the appearance of any danger from the Indians the Militia of the next Adjacent Countys be called together to oppose the same, and if there be Occasion to march against the Enemy with a greater Force, such Detachments be orderd out of each County in this Colony as the Governor shall think necessary; And that whenever the Tuscaruro Indians bring in their Hostages and give Assurance of their entring imediately into the War with the In-

dian Enemy a Sufficient quantity of powder be delivered them out of her Majesty's Stores for that Service conformable to the fifth Article of the Treaty.

The Governor acquainting the Council that upon the alarm of the Invasion last Summer finding the Country very ill provided with powder and that in the Queen's Stores much decayed and unfit for Service he did impress twenty half barrells of powder belonging to a Merchant in Pensilvania out of a Ship bound to Maryland, which is not yet paid for, Whereupon the Council are of opinion that the same ought to be paid out of her Majesty's Revenue of two Shillings per hogshead, it being absolutely necessary for her Majestys Service.

At a Council held at the Capitol the 20th day of February 1711 [1711/12]

Present

The hon ^{ble} Alexander Spotswood	her Majestys Lieutenant Governor
Edmund Jenings	Philip Ludwell
Robert Carter	John Smith
James Blair	John Lewis &
	William Byrd Esq ^{rs}

On reading at this Board a petition of the Inhabitants of Neuse River in North Carolina representing the deplorable State to which they are reduced by the Indian Enemy, their houses and plantations burnt; their Stocks destroyed, and they forced to betake themselves to Garrisons for their defence, where they will soon be in danger of starving for want of necessarys, and unable to defend themselves without Speedy Succours of men, arms and Ammunition, and praying relief therein from this Government. The Council taking the s^d petition into consideration are of opinion That if the Treaty made with the Tuscaruro Indians take Effect the petitioners will Speedily be relieved without other Assistance from this Government, which cannot well be offered at present by reason of the low State of the publick Revenue. That since the time for execution of the said Treaty on the part of the Tuscaruros is so near, The Governor of North Carolina be exhorted to assist the petitioners with provisions and ammunition to defend their Garrisons till the Event of the said Treaty, and that in order to encourage the petitioners to defend themselves a Copy of the said Treaty be sent to the Commander of the Garrisons in Neuse that they may see what care this Government hath already taken for their Relief, and to assure them further measures will speedily be entered into for quickening the Tuscaruros to perform their engagements and M^r Farguson & M^r Graves who were deputed by the Inhabitants of Neuse to present the aforesaid petition were called in and acquainted with these Resolutions.

For the better discovery of what preparations the Tuscaruros are making towards executing their part of the Treaty concluded with them It is the opinion of this Board and accordingly Ordered that M^r Peter Poythres be forthwith dispatched to the said Indians, That he be allowed to carry with him one horse load of trading goods (arms and ammunition excepted) and upon his arrival there give the Indians

to understand that the said goods are sent by this Government in pursuance of the Treaty to be applyed towards the payment of any Charges they have been at in redeeming the English Captives, or for discharging the Rewards promised them for such heads of the Indian Enemy as it is expected they have by this time obtained according to their engagements, and that if the said Indians have either obtained any of the English Captives or cut off any of the Enemy he do accordingly deliver the said goods in satisfaction of the Rewards promised them, but if not that he have leave to dispose of the said goods for his own benefite. That he have directions to make the strictest Examination he can into the designs of the said Tuscaruro Indians, that this Government may be the better able to judge whether they are to be confided in. And that the said Poythres may be the more encouraged to undertake this Journey It is Ordered that upon his return he be paid for the same and for his former Services out of her Majestys Revenue, and that he be then also paid for what goods he shall deliver to the said Indians in pursuance of the aforementioned Treaty.

At a Council held at the Capitol the first day of April 1712

Present

The hon ^{ble} Alexander Spotswood her Majesty's Lieutenant Governor	
Edmund Jenings	Philip Ludwell
James Blair	John Smith &
	William Byrd Esq ^{rs}

Upon reading at this Board the Address of the President Council and Burgesses of North Carolina to her Majesty's Lieutenant Governor of this Dominion praying that an Auxiliary force of 200 men may be sent from hence for enabling them to carry on the War against the Indian Enemy, The Council took into consideration the present State of this Colony with respect to the Neighbouring Indians and thereupon it appearing that the Tuscaruro Indians have failed in the performance of every Article of their Treaty, and that tho they came to attend the Governor the twelfth of last month, they made only some trifling excuses without any grounds to confide in their friendship; that on the contrary there is great reason to suspect they are in friendship with the Indians concerned in the Massacre, and are forming designs for attacking the Inhabitants of this Colony, as appears by some late discoverys of their practices to seduce the Tributary Indians to joine with them; And therefore this Board are unanimously of opinion that it is necessary to assist the Governm^t of North Carolina with such a force as the Condition of this Colony can spare for carrying on the War there against the Indian Enemy as the most probable means to divert the Indians from prosecuting there designs here, which would prove the utter ruin of all our Frontier plantations; but forasmuch as this Government by reason of the deficiency of the public Revenue is not in a condition to defray the charge of such a number of men as is desired, and that it is not to be expected that any men will go from hence upon assurance of pay from North Carolina,

although the Address of their Assembly mentions their having raised £4000 whereby their own men and the Succours from hence will be provided for, It is therefore Resolved that the Assistance to be sent to Carolina on this Occasion be only a hundred men modelled into two Companys under such Officers as the Governor shall think fitt to appoint: And for the encouragement of persons voluntarily to list in this Expedition, that there be paid to each private Centinall fourty shillings bounty money, upon his entering into the Service, and twelve pence per day during his continuance therein: That over and above the said pay and bounty money, such measures be settled with the Government of North Carolina that the said Forces be subsisted during their Service in that province at the charge of that Government. That it be also agreed upon that the said Forces shall have their share of all Captives and plunder that shall be taken from the Enemy: and as a further encouragement, that every one listed in this Service shall have arms, ammunition and Accoutrements furnished him gratis out of her Majestys Stores here. That the pay of the Captains of the said Companys be seven Shillings per diem each; the pay of each Lieutenant four Shillings; Of each Ensign three Shillings, The Serjeants eighteen pence, the Corporals and Drums fifteen pence, and that Orders be dispatch'd to the Commanding Officers of the Militia in each County to publish the Rewards and encouragements, and to return the names of all such persons as shall thereupon offer to list themselves for a time not exceeding four months, and also to report their opinion as to the qualification of such persons as shall offer themselves to serve as Officers. And Whereas by the Articles of peace concluded with the Tributary Indians in the year 1678 the said Indians are obliged to joine with the forces of this Government whenever they shall be required upon any expedition against foreign Indians, and there being at this time just cause to believe that some of the said Indians are too much affected to the Tuscaruros and keep a secret Correspondence with the Indian Enemy It is the opinion of this Board that at least a hundred of the fighting men of the said Indians be ordered out with the detachment of the Forces of this Country, that by engaging them in this War, the Correspondence and Amity they have hitherto had with the Indian Enemy may be broke; Or in case they should refuse that this Government may be enabled to take measures for preventing any ill designs they may have formed in favour of the Enemy. And because an imediate Supply of money must be had for defraying the charge of the said Expedition It is the unanimous opinion of this Board that the money remaining in the hands of William Byrd Esq^r Receiver General of her Majesty's Revenue of Quittrents be applyed towards this Service, humbly confiding in her Majesty's goodness for allowing that money to be imployed in a Service so necessary for the protection of her Majesty's Subjects untill this expence can be reimbursed by the Province of Carolina for whose imediate Assistance this expedition is undertaken, Or in case they cannot defray that charge, that endeavours be used for reimbursing the same by the General Assembly of this Colony, and that then the money may be remitted into her Majesty's Exchequer according to her Majestys directions in that behalf dated the day of 1711.

And because a fuller Council could not be obtained at this time to advise upon Affairs of so great importance It is agreed that the Resolutions of this Council be communicated to, and again debated in a fuller Council, before they be intirely put in execution, but that the necessary preparation for the expedition now concerted be carryed on in the mean time.

Whereas this Board are informed of divers Consultations of the Tributary Indians and of some discoverys lately made of the ill designs of the Tuscaruros which are the more to be suspected in that the said Indians have failed in complying with every Article of their Treaty; It is Ordered that for preventing any sudden Attempts of the said Indians, at least a Troop or Company of the Militia in each of the Frontier Countys be drawn together and exercised once a Week untill further Order. And It is Ordered that Major Nathaniel Harrison make enquiry whether any of the Tributary Indians have corresponded with the Tuscaruros since their being with the Governor the begining of the last month: And also to enquire whether any persons within this Government have traded with the said Tuscaruro for arms and ammunition since the Massacre in Carolina, and that he return the names of such persons, to the end they may be prosecuted and punished for the same.

Upon reading a Letter from the Right hon^{ble} the Lords Commissioners for Trade dated the day of requiring that an account be transmitted each half year of all Births Christenings and Burials within this Colony for her Majestys better information of the State thereof. It is Ordered that a proclamation issue enforcing the 16th Act of Assembly made in the year 1661 Entituled Registers to be kept by the Ministers or Readers, and requiring the Clerks of the Vestrys to return in April and October yearly an account of all Births Christenings & Burials in their respective parishes the preceding half year.

Ordered that her Majesty's Auditor and Receiver General do consider and report their opinion what probability there is of the increase or decrease of her Majesty's Revenue within this Colony and the causes thereof, in order to be laid before her Majesty pursuant to her Royal Instructions.

Whereas by an Act of Parliament made in the ninth year of her Majesty's Reign Entituled An Act for the encouragement of the trade to America, prize goods taken from her Majestys Enemys and imported into her Majestys Colonys in America are exempted from certain dutys with which they were formerly chargeable. It is Ordered that a proclamation issue for publishing the said Exemptions for the encouragement of her Majesty's Subjects within this Colony.

At a Council held at the Capitol the Sixteenth day of April 1712

Present

The hon ^{ble} Alexander Spotswood	her Majestys Lieutenant Governor
Edmund Jenings	John Smith
Robert Carter	John Lewis
Henry Duke	William Byrd Esq ^{rs}

Upon reading at this Board the examinations of divers Nottoway & Maharine Indian's It appearing that the Tuscaruros have been

endeavouring to seduce the said Nations of Indians to joine with them against her Majesty's Subjects of this Colony, and that there is great reason to suspect some sudden blow from that Nation; For preventing of which, and to the end any secret attempts of the said Indians may be the better discovered It is Ordered that a proclamation issue prohibiting all persons within this Colony from harbouring or entertaining any of the Tuscaruro Nation, and requiring the Rangers and all other persons on the Frontiers, upon their discovering any Tuscaruro Indians to do their best endeavour to secure them and send them Prisoners to Williamsburgh. And Whereas Notwithstanding the prohibitions of Trade with the Tuscaruro Indians published by order of Council bearing date the 8th day of October last past This Board have received certain information that divers persons have presumed to trade with the said Indians, even for powder and shott to the manifest endangering the peace of this Colony. It is Ordered that publick notice be given that all persons who shall discover such unlawful trading shall receive all suitable Encouragement, and that upon such discovery any two or more of her Majesty's Justices of the peace (whereof one to be of the Quorum) be required to call before him [them] the Offender with the Evidence against him, and if they see cause, to committ such Offender to the Custody of the Sheriff to be brought before the Governor to be further proceeded against as the nature of the Offence shall require.

Ordered, That Nathaniel Mallone of Surry County, William Parham and James Grasham of Prince George's County be taken into the Custody of the Sherif of the said Countys, and brought before the Governor in Council to answer their Contempt of the Orders of the Government in trading with the Tuscaruro Indians and Ordered that M^r James Wynne be summoned to attend at the same time to testify his knowledge in relation to the Fact abovementioned.

Upon a representation made to this Board that the people in the Frontier plantations are very ill provided with powder for their necessary defence against the incursions of the Indians. It is Ordered that the Officer having the charge of the Queen's powder in the said Countys deliver to the Officers of the Militia in the Frontier Countys a quantity of the said powder for the use of the Soldiers under their command not exceeding one pound per man at the rate of three Reals per pound.

April the 22^d 1712

Present

The Governor

Edmund Jenings
John Custis
James Blair

Philip Ludwell
Henry Duke
John Smith &
John Lewis Esq^{rs}

The Governor in Council was pleased to nominate and appoint the following persons to be Sherifs of the respective Countys for the year 1712 Viz

Henrico.....	William Farrar
Charles City.....	John Stith
Prince George.....	Randle Platt
King William.....	William Anderson
King & Queen.....	Thomas Pettitt
Essex.....	Richard Covington
Surry.....	Henry Harrison
Isle of Wight.....	Andrew Woodley
Nansemond.....	Henry Baker
Norfolk.....	James Wilson jun ^r
Princess Ann.....	George Hancock
Elizabeth City.....	John Moore
Warwick.....	Thomas Cary
York.....	William Penkethman
James City.....	Mongo Ingles
New Kent.....	Thomas Butts
Middlesex.....	Oliver Segar
Gloucester.....	Thomas Buckner
Lancaster.....	Hugh Brent
Northumberland.....	Peter Presley
Westmoreland.....	Francis Wright
Stafford.....	Joseph Sumner
Richmond.....	Nicholas Smith
Accomack.....	Thomas Custis
Northampton.....	William Kendall

On the application of the Justices of the County of Essex. Ordered that a new Commission of the Peace issue for the said County with the addition of several new Justices.

On the application of the Court for the County of Prince George. Ordered that a new Commission of the peace issue for the said County and that Henry Duke, Stith Bolling, Samson Meredith & James Thweat Gent be added to the said Court.

Robert Carter Esq^r Present

For preventing the fraudulent obtaining Certificates of Rights out of the County Courts for taking up her Majesty's Lands, It is Ordered that the Clerks of the said County Courts do once every half year return to the Secretary's Office a List of the names of all persons that have made Oath of their importation, containing the time when they were imported and the time of their making such Oath and that the said Lists be entered in a book to be kept for that purpose in the Secretary's Office. And Whereas since the repeal of the Act of Assembly concerning the granting seating and planting of Lands the Royal Charter of King Charles the second is the only title her Majestys Subjects have for taking up land for their importation. It is Ordered that all Certificates hereafter to be obtained shall express that the same are granted according to the said Charter; and the Clerks of the County Courts are to take notice thereof accordingly.

Whereas a doubt hath arisen whether the importation of persons into the Northern Neck for the cultivation and improvement of the

land of the proprietors ought to entitle such persons to a Right of taking up land in any other part of this Colony under her Majesty's immediate Grant. It is Resolved that no Certificate of Rights hereafter granted for the importation of persons into the Northern neck be admitted to entitle the persons imported or their Assigns to any part of her Majesty's Land, untill her Majestys pleasure to be known therein.

Augustine Smith of the County of Essex by his petition complaining that William Thornton refuses to divide with him the Tract of Land formerly granted by patent to John Bouzee according to the directions of this Board the 16th of November last past whereby the petitioners Grant of the Moiety of the said Land is like to be defeated. It is thereupon Ordered that unless the said Thornton shall before the fifteenth of September next lay out and divide the said Land pursuant to the aforesaid Order of this Board (due notice being given him thereof within one month from this day) then the said Land be divided by any sworn Surveyor chosen by the said Smith at the equal charge of both partys, and that upon such division the said Smith have liberty to make his choice: And in case thereafter the said Thornton do not accept of his share and satisfy and pay his proportion of the charges of Survey. It is Ordered that a Platt and Survey of the whole Tract be returned to the Secretary's Office at next October General Court, and that a patent be prepared thereupon for the said whole Tract in the name of the said Augustine Smith.

On reading this day in Council the petition of John Woodson John Pleasants and Joseph Pleasants for stoping a patent for a certain Tract of Land in Henrico County taken up and surveyed by John Bolling Gent. The arguments of both party's Council being heard on their respective pretentions to the said Land It is the opinion of this Board that the petitioners have not made out the Allegations of their said petition, and that John Bolling having the prior Entry ought to be preferred to a Grant of the said Tract of Land. But forasmuch as the Survey of the said Land appears to have been made since the death of Coll^o Nott her Majesty's late Governor, at which time the new Instruction for granting of Land took place. It is Ordered that the patent be granted on the terms of seating and planting mentioned in her Majesty's Instructions and not otherwise.

April the 23^d 1712

Present

The Governor

Edmund Jenings
Robert Carter
Philip Ludwell

Henry Duke
John Smith
John Lewis &
William Byrd Esq^{rs}

The Nottoway, Maherine and Nansemond Indians attending this day the Governor in Council and promising to bring back their Hostages. It is Ordered that two of the Great men of each Nation remain in town till the Return of the said Hostages, and that leave be given to the rest of the said Nations to go home for the more speedy discovery and bringing back the said Hostages.

April the 24th 1712*Present*

The Governor

Edmund Jenings
Robert Carter
John Custis
James BlairPhilip Ludwell
Henry Duke
John Smith
John Lewis &
William Byrd Esq^{rs}

The Resolutions of the Council held the first of this month being this day communicated to and read at the Board and fully debated, the several Resolutions for raising the number of a hundred men to be joined with a body of a hundred of the Tributary Indians for the assistance of the Government of North Carolina, the encouragements for listing and the proportions of pay to the Officers and Soldiers were unanimously agreed to and approved. And upon consideration of that part of the proceedings of Council on the first instant, relating to the employing her Majesty's Quitrents for defraying the immediate expence of that expedition. The Governour was pleased to lay before the Council one of her Majestys Instructions, whereby it is directed that the Quitrents be not disposed of but by her Majesty's especial Warrant for that purpose. That by her Majestys Instructions to Coll^o Hunter, and in pursuance of an order from the Lords of the Treasury to Coll^o Nicholson the 7th of February 1710/11 the whole ballance of the Quitrents at that time was Ordered to be expended for the purchase of provisions for her Majestys forces at Canada Whereupon not only the said ballance was so expended but likewise a further Sum of above £1600 advanced for the said Service, which is not yet discharged, and for which (if not paid at the Treasury in England) the Revenue of Quitrents must be liable, and that since the abovementioned application of the Quitrents her Majesty hath been pleased by another order dated the day of to appoint that the sum of £3000 out of the growing income of the Quitrents be remitted into her Majestys Exchequer, so that considering the anticipations already on that Revenue, together with her Majesty's orders for remitting it into the Exchequer The Governor desired the advice of the Council whether the said Quitrents can be employed in this Service, declaring at the same time that as to what money was due to himself and others for which he stood engaged for the provisions for the Canada expedition, which amounted to near £1200 he was content to postpone his payment, and that the money which ought to be paid him out of the Quitrents be employed towards defraying the charge of the present Service against the Indians, w^{ch} he looked upon as of the greatest consequence for the protection of her Majestys Subjects. After which William Byrd Esq^r her Maj^{ties} Receiver Generall declared that he having on the Credit of the Quitrents advanced about £500 for the purchase of provisions for the Canada expedition, and which according to her Majesty's commands signified by Coll^o Hunter ought to be first satisfied preferable to any other Order charged on that Fund Yet he was willing to forbear his money in consideration of the present necessitys

of the Government that the same may be applied towards the present expedition: Whereupon the Council having maturely considered the present Conjuncture in relation to the Indians, that without the assistance proposed, her Majesty's Subjects in North Carolina must inevitably be ruined and overrun by the Indian Enemy. That there is just ground to fear their next Attempt will be against this Colony. That there is a necessity for an imediate Supply of money to defray the pay and charge of the Force now agreed on since tho the Militia may be usefull and ready to defend our own Frontiers Yet none will be found willing to march further without the encouragement of pay. That there is not at present any money in bank on account of the two shillings per hogshead for defraying this expence, nor any other Fund in being, out of which the present Exigence can be supplied except only by the Quitrents, and that if an Assembly were now called, any Supplis they could raise would be too late and unseasonable, because there is certain intelligence, that the blow intended by the Indians is to be suddenly executed. And therefore this Board are unanimously of opinion that it is absolutely necessary for her Majesty's Service that the money in the Receiver Gen^l's hands upon account of the Quitrents be applied towards defraying the charges of the Forces in the present expedition against the Indians, which is of too great consequence to be longer delayed. And this Board are the more encouraged to hope that such an Application of her Majesty's Revenue for the imediate protection of her Subjects will be the more favourably recieved by her Majesty, upon consideration of the former gracious declarations of her Majestys Royal Ancestors not [to] leave this Colony without a competent Supply of money to answer the emergent occasions of the Government; And that this Board cannot reasonably doubt, but this expence will be repaid to her Majesty, either by the Proprietors and Government of North Carolina, or that otherwise the Assembly of this Colony will at their next Meeting reimburse a charge expended upon such a necessary Occasion, especially if her Majesty shall think fitt to recommend the same.

The Council having taken into consideration the preliminaries necessary to be settled with the Government of Carolina before the march of the Auxiliary forces desired to be sent from hence to their Assistance against the Indian Enemy, came to the following Resolutions.

That Whereas upon the pressing instances of the Government of North Carolina, and the consideration of the imminent danger to which her Majesty's Subjects of that province are exposed; it hath been resolved by her Majestys Lieutenant Governor with the unanimous advice of the Council to levy such a Force as the present exigencys of this Government will admitt to act in conjunction with the forces of Carolina against the Indian Enemy: And because that Service doth require an imediate Supply of money, which cannot otherwise be obtained here, This Government hath been obliged to engage her Majestys Revenue of Quitrents for defraying that expence; It is therefore judged a reasonable preliminary that the Government of Carolina do engage to refund to her Majesty whatever Sum shall be applied out of her said Revenue for their Assistance: but forasmuch as it may

be difficult for that Government to make those payments in a short time, or to find such Security as may be expected by her Majesty, and for that the present necessitys of that Province will not admitt of delaying the Assistance for want of such Security. It is the opinion of the Council that in such case it is at least necessary to insist that the Governor and Lords Proprietor's Deputys do enter into Articles, Submitting to her Majesty's pleasure whether the Sums advanced for this expedition shall be repaid by the Lords Proprietors to her Majesty and in what manner such payment shall be made.

That the forces sent from hence be supplied with provisions from the time of their Arrival at Southkey, and thereafter while they are on this Service at the expence of the Government of Carolina.

That in their march through the said Government they be provided with all Conveniencys for their transportation over Rivers and Creeks, and with all other accomodations in the same manner as the Forces of that Province

That the forces sent from hence be entitled to their equal share of all plunder and the like Rewards for prisoners as the Forces of Carolina are entitled to.

That whenever the Governor of Virginia shall find it necessary either to recall those Forces or to imploy them elsewhere for the defence or Service of this Colony, they be immediately sent back without Stop or delay, and the like provisions, conveniencys and accomodations furnished them in their return at the expence of Carolina till their arrival at Southkey or any other place in the same Latitude, whether they shall be commanded to march.

That no detachments of the said Forces be made for any Service but in proportion with those of Carolina after their Conjunction, and That it be left to the Governour to settle and agree with the Government of Carolina upon such further regulations as he shall think fitt for the better promoting the present Service, and for the encouragement of those in this Colony who voluntarily listed themselves in this expedition.

Ordered that a Quota of men be drawn out of each County of this Colony except the Eastern shore in proportion to the number of their Militia to go upon the present expedition, and that an Order be forthwith prepared for the Governour's signing requiring the Commanding Officers of the Militia to make the draughts of the best able bodyed men in the said Countys, and to appoint them to be at Williamsburgh on the tenth of the next month And that such of the said Militia as cannot give Security according to the former order be allowed to be bound for one another. That there be delivered to each Soldier a Musquet and Cartouch box, two pound of powder and fourty Musquet bulletts out of her Majesty's Stores, and that such of them as have Tomahawks or Cutlases be directed to bring the same with them, as being more usefull then swords in the present Expedition.

Ordered that provision be made at Williamsburgh for the Forces during the time of their exercise and also in their march to the place of General Rendevouze. And for the better Supplying the said Forces with bisket during their expedition It is Ordered that the Naval Officers of York and James Rivers make enquiry what quantitys of the said

Species of provisions can be obtained from the Masters of the Ships in their Districts, upon promise to have the like quantity returned in New basket before the departure of the Fleet.

On the application of the King of the Tottero Indians in behalf of himself and the remains of that Nation Liberty is granted him to settle with his people at the town of the Saponies & Oceoneechees and to enjoy together with them the protection of this Government; It appearing that the said Indians have always been faithful and friendly to her Majesty's Subjects.

On the petition of the Vestry of Wyanoak parish for stoping a patent sued out by Samuel Harwood junior for an Island called Pussimon Island lying in the said parish. This Board having heard the allegations of both partys, have thought fitt to order as it is hereby Ordered That Edward Hill, John Stith and Drury Stith Gent or any two of them view and value the said Island, together with the Land proposed by M^r Harwood as an Equivalent, and that the Vestry of the said parish of Wyanoak have thereupon their choice either to accept of the Equivalent land, according to the price and valuation thereof made by the Gentlemen abovenamed, or to have the value thereof paid to them in money for the use of the parish to be expended towards the purchase of a Glebe and for no other intent whatsoever. And it is Ordered that the Gentlemen above named make report of their proceedings as soon as conveniently may be

April the 26th 1712

Present

The Governour

Edmund Jenings
Robert Carter
John Custis
James Blair

Philip Ludwell
Henry Duke
John Lewis &
William Byrd Esq^{rs}

The orders for drawing together the Forces design'd for the expedition against the Indians being prepared were read and approved and signed by the Governor in Council.

William Parham an Indian Trader of Prince George's County being brought before this Board and examined touching his trading with the Tuscaruro Indians, and it appearing that he purchased a considerable quantity of powder, of the Sale of which he hath given no satisfactory account. It is Ordered that (for the better discovery of the truth of what the said Parham hath alledged) M^r Randle Platt Sherif of Prince George's County make enquiry by the best ways and means he can, what powder the said Parham had in his house at the time of his being brought before the Council, and also to examine upon Oath William Batts William Woodward, Samuel Tutum senior and Thomas Addison how much powder they had of the said Parham at any time last Winter, and that he report his proceedings therein to the Governor.

Ordered that Nathaniel Malone of Surry County, William Parham and James Grecian of Prince George's County before they be

discharged out of Custody of the respective Sherifs enter into bond to our Sovereign Lady the Queen each of them in the Sum of twenty five pounds Sterling for their good behaviour, and particularly not to trade with the Tuscaruro Indians untill Liberty shall be given by the Government, and also that they shall appear before the Governor and Council whenever they shall be required to answer what shall be further laid to their charge. And Ordered that the Sherifs return the said bonds to the Governor.

On a representation from the Vestry of Manican town in behalf of themselves and others the French Refugees inhabiting there That by the death of Coll^o William Randolph appointed one of the Commissioners for adjusting the differences arising amongst the said Inhabitants concerning the division of their Land. The order of Council of the 18th of November 1710 hath not been fully executed, and praying that some other person may be appointed in the room of the said Coll^o Randolph for the purposes mentioned in the said Orders. The Governor with the advice of the Council was pleased to nominate and appoint Coll^o Francis Epes, M^r John Bolling and M^r Richard Cocke or any two of them to hear and determine all differences that shall arise between the said Inhabitants of the Manicantown in or about the division and proportioning of their said Land pursuant to the aforementioned Order of Council. And in case they find any difficulty therein, that they report the same specially to her Majesty's Lieutenant Governour for his final determination thereof.

Henry Duke, John Lewis Esq^{rs} Absent

Ordered that a new Commission of the peace issue for Lancaster County with the addition of several new Justices recommended by the Court.

Robert Carter Esq^r Absent

Several patents for Land being prepared were signed by the Governor in Council

Elizabeth Noys Widow of William Noys late of King William County deceased having petitioned the Governor for a Grant of a hundred acres of Land lying in King William County late belonging to the said William, and found to escheat to her Majesty by the death of the said Noys without heir or making disposition thereof in his lifetime, against which a Caveat being entered by John Clayton Esq^r Attorney of John Taylor and Company of London Merchants, untill satisfaction be made to them of a Debt due by the deceased. The said Elizabeth Noys by her Attorney appeared and relinquished her pretensions to the said Escheat, consenting that the said John Clayton have a patent for the same, upon paying the charges he has expended in prosecuting the said Escheat. It is thereupon Ordered that a patent be prepared in the name of the said John Clayton or any other person he shall nominate he or they producing a receipt from the said Elizabeth Noys for the fees and charges aforesaid.

April the 28th 1712

Present

The Governour

Edmund Jenings

Robert Carter

Philip Ludwell

John Smith &

William Byrd Esq^{rs}

The following Warrants on the Reciever General to be paid out of her Majestys Revenue of two shillings per hogshead, port dutys and head money were this day 'signed by the Governor in Council Viz.

To the hon^{ble} Alexander Spotswood Esq^r her Majesty's Lieutenant Governour of Virginia half a year's Sallary ending the 25th instant One thousand pounds.

To the hon^{ble} Alexander Spotswood her Majesty's Lieutenant Governor of Virginia half a years house rent ending the 25th instant Seventy five pounds.

To the Gentlemen of her Majestys Council half a years Sallary ending the same time One hundred Seventy five pounds

To William Blathwayt Esq^r Auditor Gen^l of the plantations half a years Sallary ending the same time Fifty pounds.

To Nathaniel Blackistone Esq^r Sollicitor of the Virginia affairs half a year's Sallary ending the same time Fifty pounds

To Stevens Thomson Esq^r her Majesty's Attorney Gen^l half a years Sallary ending the same time Twenty pounds.

To William Robertson Clerk of her Majesty's Council for half a years Sallary ending the same time Fifty pounds

To Edward Ross Gunner at James City half a year's Sallary ending the same time Seven pounds ten shillings.

To M^r Richard Bland for so much paid several Ministers for their attendance one General Court Ten pounds.

The Governour laid before the Council the accompt of Pork bought here for the use of her Majesty's forces imployed last year against Canada pursuant to her Majesty's commands signified by Coll^o Hunter Governour of New York, and the said act with the Vouchers being examined in Council, and also by her Majesty's Auditor General was Ordered to be certified and passed in the usual forme.

It having been represented to the Governor that there are several outport ships now loaded and ready to sail in Company with some Ships of Force that have the Queen's Letter, and that the said Ships will suffer extremely if stop't till the Convoy be ready to sail. It is the opinion of this Board that Leave be given to such Ships to clear and proceed on their Voyage with any Ships of Force that have the Queen's Letter, the Convoy being of no use to such Northern and West Country Ships, who must lose the benefite thereof when they are in greatest danger. And it is Ordered that one of the men of War attending this Colony convoy the said Ships a reasonable distance of the Coast.

On the application of the Saponie Indians for prohibiting the selling of Rum within their town. It is Ordered that a proclamation issue

to enforce the Act of Assembly against selling of rum within the precincts allotted to the Tributary Indians.

Several patents for Land being prepared according to her Majestys late Instructions were this day sign'd by the Governor in Council.

Ordered that publick notice be given that all Caveats entered against any patents for land now prepared or sued out will be heard and determined before the Governor in Council on the second Tuesday in June next.

At a Council held at the Capitol
the tenth day of June 1712

Present

The hon^{ble} the Lieutenant Govenour

Edmund Jenings

Henry Duke

Robert Carter Esq^{rs}

John Smith

M^r Commissary Blair

John Lewis

Philip Ludwell Esq^r

William Byrd Esq^{rs}

The Governor acquainted the Council that for the better carrying on the Service against the Indians in pursuance of the Resolutions of the 30th day of April last past, he mett the Governour of North Carolina on the first of May in order to settle the preliminaries before the march of the Forces from hence, but that upon Conference he found the Lords Proprietors Deputys for North Carolina were so far from agreeing to repay her Majesty the charge of the Expedition, or even to submitt that matter to her Majesty determination that they would not so much as furnish the necessary provisions or other Conveniencys for transportation of the Forces of this Colony, after their march into that Province although the Address of their Assembly imported as much, and that if provisions were carryed from hence for the subsistence of those Forces, they would be liable to a duty of ten per Cent laid by their Assembly for carrying on the Indian War: That besides these discouragements he found that the Commander of the Carolina Forces had entered into a Treaty with the Indians without the participation of the Governour there, and that thereupon he did not think it fitt to pursue the measures agreed on for the Assistance of that province, and had countermanded the march of the Force designed for that Service; All which being considered by the Council They are unanimously of opinion that the Governor hath acted the most prudent part for her Majesty's Service and the ease of this Colony, and that as this Government has sufficiently demonstrated their readiness by the former Resolutions to assist her Majesty's Subjects of Carolina, So if any misfortune should happen to that Province hereafter, it must be imputed alone to their own unreasonable expectations, and the ill Conduct of those to whom they committed the management of the War against the Indians.

It being this day debated in Council whether the holding a Court of Oyer and Terminer pursuant to her Majestys Instructions is necessary at this time It was thereupon Resolved that there is at present no occasion for holding the said Court, there being no Criminals in

Custody; but forasmuch as it may frequently happen that persons may be committed for Crimes cognizable in the said Court some short time before the days appointed for holding the same, And that it will be a great prejudice to them to be continued in prison till another Court without the opportunity of Tryal or being admitted to bail. The Council are unanimously of opinion, that the usual Commission for holding the said Court be hereafter constantly issued and that the Clerk thereof do thereupon send out the usual process for summoning the Jurys to attend, although there be not any Certainty of Criminals to be tryed before the issuing the said Commission.

Upon reading at this Board the petition of Nicholas Valentine for stoping a patent to William Henley for the land of John Veer found to escheat to her Majesty. It appearing that those under whom the said Nicholas Valentine Claims having taken up the same Tract as Was^t land, and obtained a patent for the same in the year 1692 and ever since paid the Quittrents, and that through the practice of the said Henley, the said Valentine hath been kept ignorant of it's being escheatable, and upon the opinion of his own title has sold part of it with a general Warranty. It is the opinion of the Council that the said Valentine hath the most equitable pretention to her Majesty's favour for a Grant of the said Land: but forasmuch as William Henley has been at considerable charge and trouble in prosecuting the said Escheat and paying the Composition due to her Majesty thereupon; It is Ordered that the said Nicholas Valentine repay him all the said Fees and five pounds more for his own trouble, and that upon producing a receipt for the same a patent be granted to the said Valentine for the aforesaid Land.

Information being made to this Board that Simon Jeffrys Attorney imployed by Nicholas Valentine to defend his Title to the Land petitioned for by William Henley, had reflected upon the justice of the Governour in relation to the said dispute. Ordered that he be summoned to appear at next Council to answer the same.

John Watts having petitioned for stoping a patent to William Edwards for six hundred acres of Land in Isle of Wight County. Upon examination of John Allen Surveyor of the said County It appearing that M^r Edwards's Survey was made long before the Entry of the said Watts. It is Ordered that the said petition be rejected, and that a patent be prepared for the said Edwards for the land mentioned in the Survey.

The Caveat entered by Robert Beverley for stoping a patent to John Catlett and others by consent of both partys is Ordered to be argued before the Governor in Council on the second day of the next General Court.

On reading at this Board the petition of John Calvet setting forth that by order of Coll^o William Byrd deceased who was appointed to settle the land frontiers, the petitioner did seat upon a piece of Land lying above the Manicantown, and built a house and made several improvements thereon. That some years after, one John Woodson entered for and Surveyed a large Tract of Land on the Southside of James River, and thereby included the petitioner's plantation; And although the said Woodson never sued out any patent for the said

Tract of Land, yet he is daily threatening to turn the petitioner off his plantation, and praying Relief therein. It is the opinion of this Board that the petitioner hath the most equitable pretention to her Majesty's favour in the grant of the said Land, having made such improvements thereon. And It is Ordered that the Surveyor lay out and survey for the petitioner One hundred acres of Land adjoining to and including the house and improvements he hath already made; and that a platt and Survey thereof be returned to the next Gen^l Court to the end a patent may issue thereupon.

Complaint being made to this Board that the Rangers of Prince George's County having taken prisoner a Tuscaruro Indian and sent him to an Officer of the Militia to be conveyed to the publick Goal at Williamsburgh pursuant to the late proclamation, Nicholas Vaughan and John Low to whom the said prisoner was committed by the said Officer's Warrant obstinately refused to take charge of the prisoner. It is Ordered that the said Vaughan and Low be summoned to appear before the Governor and Council on the first day of the next Gen^l Court to be proceeded against others for their Contempt, for deterring others from the like practices in a matter of such Consequence to the peace and safety of the Government.

Ordered that the Tuscaruro Indians taken on the Frontiers of this Colony and committed to the publick Goal be continued in prison untill the designs of that Nation be further discovered.

On the petition of the Inhabitants of King and Queen County praying that Rangers may be appointed for the protection of their frontiers against the incursions of the Indians. It is the opinion of the Council and accordingly Ordered that Rangers be appointed for the said County.

The Governor acquainting the Council that the Allowance given by the Assembly to the Rangers appeared too small to encourage them in a Service attended with so much trouble, W^{ch} was urged as a reason for the backwardness of the people in some Countys to engage therein, And that he intended for encourageng them more chearfully to enter into and perform the duty of that Service to give license to the Rangers Solely to take up for their use all wild horses within the precincts of their Range, which intention of the Governour being considered in Council was unanimously approved as tending to the publick Service of this Colony.

Application having been made to the Governour by divers Indian Traders for liberty to go out to traffique with the Western Indians under such Regulations as the Governour shall think fitt to enjoin for the better carrying on that Trade. The Council taking into consideration that the restraining the Trade from hence with the Western Indians while the same continues open with the Government of South Carolina will only endanger the losing that Trade to this Country, and oblige the Indians to seek for Supplys of the French where those from South Carolina prove deficient, and that the said Indians living so remote from the Tuscaruros or any other Nation at present in War with her Majestys Subjects there can be no danger in laying open that Trade; And it is thereupon Ordered that a proclamation issue giving liberty

to any of her Majesty's Subjects to carry on a Trade with the Western Indians in the same manner as they used or enjoyed the same before the late prohibition, Every person concerned as principal in the said Trade first entering into bond to her Majesty with good Security in the sum of Three hundred pounds sterling not to trade with the Tuscaruos or with any other Indians in league with them and to observe such Rules and Instructions as shall be given them by the Governour for the better management of the said Trade; and also taking a Passport under the Seal of the Colony according to the forme this day prepared and approved at this Board for their Security against the encroachments and unwarrantable pretensions of the Officers of South Carolina, which they have hitherto made, notwithstanding her Majesty's pleasure signified to the contrary by her order in her privy Council.

Ordered that it be an Instruction to the Indian Traders that they go out in such a body as they may be able to defend themselves against any stragling Indians of the Tuscaruro Nation with whom they may happen to meet in their Journey, and that they be also directed to keep a Journal, and to make particular Observations of the Latitude, in which the several Nations live with whom they trade.

On reading at this Board the several petitions of the Vestrys of Yorkhampton & Merchants hundred parishes, praying that the said parishes may be consolidated: Ordered that an Instrument be prepared for consolidating the said parishes according to the prayer of the Petitioners.

Philip Ludwell Esq^r Absent

The Governor in Council this day signed a Warrant to the Receiver General for paying to Willian Robertson Clerk of the Council the sum of One hundred and three pounds twelve shillings and a half penny being for several Messages, Expresses and other Contingent Charges of the Government for one year ending the 25th of April last past.

Edmund Jenings Esq^r Absent

On reading a Representation from the Justices of James City County praying that some new Members may be aded to the said Court. It is Ordered that a new Commission issue for the said County, that M^r George Marable who has misbehaved in the duty of his Office and the other Justices who refused to take the Oaths upon the last Commission be left out, and that M^r Francis Lightfoot, M^r William Marston and M^r Thomas Cowles jun^r be added to the Commission of the peace for the said County.

Edmund Jenings Esq^r Present

The Governor having communicated to this Board the advices he hath recieved that great quantitys of land are daily entered for and surveyed by the Officers of North Carolina between Maherine and Roanoke Rivers as high as the Indian trading path within the contraverted bounds, and that many of the Inhabitants of this Colony are going out to seat upon the Land on Carolina patents and Grants, and in hopes that if the same should be found to belong to her Majesty, their possession would entitle them to patents from this Government,

contrary to her Majesty's commands signified by order in her privy Council the first of March 1710: And further acquainting this Board that he hath seen the Instructions from the Lords Proprietors to their Governour sent lately with his Commission wherein there is no notice taken of her Majesty's Commands mentioned in the said Order for appointing new Commissioners for settling the boundarys, but on the contrary several great priviledges given to persons that shall purchase land within their Province whereby the Proprietors will make considerable advantage in the sale of Lands which are none of theirs, while the boundarys remain by their means undetermined. It is the opinion of the Council and accordingly Ordered that a Copy of that part of her Majesty's Order in Council which restrains the granting any Lands within the contraverted bounds be sent to the Governor of North Carolina and that a proclamation issue prohibiting all her Majestys Subjects of this Colony from entering for or seating any Lands within the said bounds, and notifying to them that their possession or Grants from Carolina shall give them no title if the lands be adjudged part of this Dominion, but that the same with all improvements they shall make thereon shall be granted to such other of her Majesty's Subjects as have given a due obedience to her Majestys Commands and the orders of this Government issued thereupon.

Augustine Smith having represented to this Board that the order of the 22th of April last past came so late to his hands that he could not give notice to William Thornton to lay out and divide the Land late of John Bouzee according to the time therein prescribed, and praying that further time may be allowed for giving such notice. It is thereupon Ordered that the said Augustine Smith do give notice to the said William Thornton some time before the tenth of July next to comply with the directions in the aforementioned Order of this Board, and that upon the said Thornton's failure therein such further proceedings be made as in and by the said Order are directed.

William Cocke Esq^r presented her Majestys Commission under the Great Seal of Great Brittain, constituting and appointing him Secretary of this her Majesty's Colony and Dominion, and the said Commission being read the said William Cocke took the Oaths appointed by Act of Parliament to be taken instead of the Oaths of Allegiance and Supremacy, the Abjuration Oath, subscribed the Test, and took the Oath for the due execution of the Office of Secretary. And It is Ordered that upon the delivery of the Records into his possession he enter into bond to her Majesty with good Security in the Sum of Five thousand pounds Sterling for the due keeping of the Records, and faithful performance of his Office.

At a Council held at the Capitol the 21st day of July 1712

Present

The hon ^{ble} Alexander Spotswood her Majesty's Lieutenant Governor.	
Edmund Jenings	John Smith
James Blair	John Lewis
Philip Ludwell	Robert Quarry &
	William Byrd Esq ^{rs}

Robert Quarry Esq^r being by her Majestys Instructions nominated one of the Council of this Colony took the Oaths appointed by Act of Parliament to be taken instead of the Oaths of Allegiance and Supremacy, the Abjuration Oath, subscribed the Test and took the Oath of a Councilor.

Philip Ludwell Esq^r being deputed by William Blathwayt Esq^r Auditor General of the plantations to execute the Office of her Majesty's Auditor within the Colony of Virginia took the Oaths appointed by Act of parliament to be taken instead of the Oaths of Allegiance and Supremacy, the Abjuration Oath, subscribed the Test, and took the Oath for the due execution of his said office.

John Clayton having been sent last Summer to North Carolina to offer the mediation of this Government for accomodating the differences between the Governor of that province and Coll^o Cary and others in Rebellion there, for which he hath yet recieved no Compensation. It is Ordered that the said M^r Clayton be paid Twenty five pounds Sterling for his trouble and expence in that Service out of her Majestys Revenue of two shillings per hogshhead

The Accompt of her Majesty's Revenue of Quitrents for the year 1711 was this day presented in Council by William Byrd Esq^r her Majestys Reciever Generall who made Oath thereto, and being examined and attested by the Auditor was certified by the Governor in the usual forme.

Upon reading at this Board a Copy of a scurilous paper being a Journal of the expedition of John Barnwell Commander of the Forces of South Carolina against the Tuscaruro Indians containing several false and unjust Reflections on this Government. This Board think it necessary for their own Vindication that besides the Journals of Council which contain sufficient Testimonys of the endeavours of this Government to assist the province of North Carolina, and of the care that hath been taken ever since the Massacre committed by the Indians last September to prevent the said Indians from all Supplys of ammunition or other goods from hence, there be also sent to her Majesty's principal Secretary of State and to the Lords Commissioners for trade a Transcript of the following papers, which contain as well the Sentiments of the people as the publick declaration of their whole Assembly of the part this Government hath taken for the protection of that Province Viz The petition of the Inhabitants of Neuse and Pamlico Rivers presented to the Governor in February last, and mentioned in the Council Journal the nineteenth of that month, whereby it will appear that they despaired of Relief from any other place than this Government being at that time abandoned by their own Countrymen, and no assistance than arrived from South Carolina. The Address of the President Council & House of Burgesses of North Carolina sent to the Governor in March last, and mentioned in the Council Journal of the first & 24th of April, wherein they own the endeavours used by this Government for their Assistance, and that it was owing to the misunderstandings amongst themselves that those endeavours became ineffectual. And if the Government of Carolina had made good their promise in that Address upon which the Resolu-

tions was taken here of sending 200 men to their Succour, and if that rash hasty Treaty concluded with the Indians by M^r Barnwell had been postponed till the arrival of those Succours, the War with the Indians had in all humane probability been now happily terminated: and that it may appear how carefull this Government hath been to hinder all Supplys of ammunition from the Indian Enemy It is Ordered that there be also sent with the Journal a copy of the Licences given to our own Tributary Indians for buying powder and shott, which will plainly shew they were allowed only as much as was barely necessary for their Subsistance, lest a greater quantity might have enabled them to supply the Indian Enemy. All which it is hoped will be sufficient to vindicate this Government from the false aspersions of a person altogether ignorant of the Affairs of this Country.

Simon Jeffrys appearing before this Board (pursuant to the order of last Council) to answer the information given against him for spreading divers false Reports, reflecting on the Justice of the Governor in a dispute between Nicholas Valentine and William Henley for a Tract of land found to escheat to her Majesty; And there being this day also presented to the Board a petition of Lackville Brewer and others complaining that the said Jeffreys had made use of the Governour's name to countenance his unjust proceedings in relation to a Survey of certain Lands of the petitioners, the said several Offences being fully proved against the said Jeffreys he was Ordered to withdraw And thereupon the Council thought fitt to order that the said Jeffreys do at this Board beg the Governour's pardon on his knees and that he also recieve a Reprimand for his said Offence, and the said Jeffreys being again called in recieved the said Reprimand on his knees and begg'd Pardon: And it is Ordered that upon proof of any such Offence hereafter he be suspended from his Office of Surveyor of James City County and further punished according to Law.

Francis Clements and Lydia his Wife petitioning for a *Supersedeas* to stop the execution of an order of Prince George's County Court, there not appearing sufficient Reasons for granting the said *Supersedeas* It is Ordered that the said petition be rejected.

On reading the petition of Martha Parker Widow for stoping a Grant to Samuel Harwood junior for Persimon Island and setting forth her pretensions to her Majesty's favour in a Grant of the said Land It is the opinion of this Board that the said petition is now out of time, the said Harwood having on the encouragement of obtaining a Grant of the said Island been at considerable charge to satisfy the parish of Weyanoak for their pretensions to the same, and that the said Parker cannot be relieved unless M^r Harwood will relinquish in her favour.

On a representation from the Court of Middlesex County, Ordered that M^r James Walker M^r John Grymes M^r John Price and M^r John Vivian be added to the Commission of the peace for the said County.

Whereas it hath been represented to this Board that divers Sherifs and their Officers recieve money for her Majestys Quitrents of which they give no account to the Reciever General It is Ordered that the Sherifs of the respective Countys give an account upon Oath to the Auditor what money they recieve for the Quitrents and also produce

to him a Certificate from the County Courts of the like Oath being made by each of their Under Officers imployed in collecting the Quit-rents before they be allowed to pass their Accompts of the said Revenue.

At a Council held at Williamsburg
the eighteenth day of August 1712

Present

The hon^{ble} Alexander Spotswood her Majestys Lieutenant Governor
Robert Carter Henry Duke
Philip Ludwell John Smith &
William Byrd Esq^{rs}

This day four of the Great men of the Tuscaruro Nation Viz^t Three of the Town of Taughairouhha and one of the Town of Tassiahk attended the Governor in Council and by their Interpreter represented that the eight upper Towns of the said Nation being desirous to reestablish a peace with her Majesty's Subjects of this Government had sent them as their Deputys to make known their request to the Governour, and to know upon what Terms they may obtain the same. That what engagements were heretofore entered into by the persons who came hither last December was without any authority from their Rulers and never communicated to them: but that they are now ready to send persons fully impowered to conclude a peace if they may be permitted to come to Williamsburgh and deliver up alive to the Governor the Indian named King Hancock, the Ringleader in the late Massacre, and if that be not satisfactory, they doubt not their Nation will be then ready to enter into further Engagements for cutting off the Indians concerned in the late Massacre; and being asked if they had authority to engage that their Towns will cut off those Murderers, They answered they would not promise further than they had been directed by the rest of their Great men, but believed their Deputys would agree to do it when they came. In the mean time they would engage for the delivery of Hancock and would leave two Hostages of their own number for the performance thereof. Whereupon the said Indians being Ordered to withdraw It was unanimously Resolved in Council that the Offer of delivering up Hancock and sending Deputys to treat further of a peace be accepted, and that they leave hostages for the performance thereof, but that it shall be now declared to the said Indians that no such peace shall be concluded with them untill Sufficient Satisfaction be obtained for the Massacre in North Carolina, And it is further Resolved that it be insisted on that the Deputys of the Tuscaruros shall bring with them whatever English Captives are at their towns. And the said Indians being again called in and told how far this Government did agree to their Request in order to establish a peace with them the Articles were accordingly drawn up in pursuance of the said Resolutions, explained to them by the Interpreter and agreed unto by the said Indians.

Ordered that the Tuscaruro Hostages be confined within the publick Goal untill the performance of what hath been promised in behalf

of their Nation, but that liberty be given them by turns to go out in the daytime, one of them always remaining confined till the return of the other. And it is Ordered that the said Hostages be maintained at the publick charge.

Ordered that leave be given the Tuscaruro Captive now sick in prison to go out for recovery of his health in Company with the Hostage who shall be at Liberty every day, the said Hostage being answerable for the said Captive's return.

Ordered that all the Skins brought hither by the Tuscaruro Indians be left with the Hostages lest those that return should purchase therewith ammuniton from the Inhabitants of this Colony.

The Governour asking the advice of the Council whether it be necessary to call an Assembly for discharging the publick debts, and for making further provision for continuing the Rangers. The Council are unanimously of opinion that it is necessary an Assembly be called, And accordingly Ordered that Writts issue for calling an Assembly to meet the 22^d of October next.

The petition of Charles Kimball for allowance as Interpreter to the Saponie Indians is thought proper to be referred to the consideration of the General Assembly.

At a Council held at the Capitol the fifteenth day of October 1712

Present

The hon ^{ble} Alexander Spotswood her Majestys Lieutenant Governour	
Robert Carter	Henry Duke
John Custis Esq ^{rs}	John Smith
M ^r Commissary Blair	John Lewis &
Philip Ludwell Esq ^r	William Bryd Esq ^{rs}

Her Majestys Royal proclamation declaring the Suspension of arms as well by Sea as Land agreed upon between her Majesty and the most Christian King, and enjoyning the Observance thereof, bearing date at Windsor the 18th day of August 1712 was this day read in Council, And it is Ordered that a proclamation issue for the publication of the said Suspension of arms throughout this Colony.

William Fitzhugh Esq^r Present

William Fitzhugh Esq^r being by her Majesty's Royal letter dated the day of appointed one of the Council of this her Majesty's Colony took the Oaths appointed by Act of Parliament to be taken instead of the Oaths of Allegiance and Supremacy; the Abjuration Oath Subscribed the Test and then took his place at the Board.

October the 18th 1712

Present

The hon ^{ble} the Lieutenant Governor	
Robert Carter	John Smith
John Custis	John Lewis
Philip Ludwell	William Byrd
Henry Duke Esq ^{rs}	William Fitzhugh Esq ^{rs}

Upon reading the return of an Order of this Board on the difference between Augustine Smith & William Thornton, in relation to the division of Bouzee's Land found to belong to her Majesty; proof being made by Harry Beverley that due notice of the said Order was given to M^r Thornton in June last, the consideration of the said Report is referred till the next Week that M^r Thornton may be heard on his coming to Town, if he hath anything to object against a Grant of the said Land being made to the said Augustine Smith pursuant to the former Order of this Board.

Robert Beverley having entered a Caveat against a patent for 2982 acres of Land sued out by John Catlett, Richard Long & John Catlett jun^r upon an Entry made by them with the Surveyor of Essex County; and it being acknowledged by both partys that part of the said Entry lyes in the County of King and Queen, and that the said Robert Beverley did enter for the same with the Surveyor of that County, and the said Beverley claiming no more than what shall be found to ly in the said County of King and Queen, By consent of both partys It is Ordered that M^r James Taylor and M^r Larkin Chew or either of them lay out the dividing Line between the Countys of Essex and King and Queen so far as the Land in controversy extends at the equal charge of both partys, and that all that part of the said Tract which lyes within the bounds of Essex County be assigned to the said John Catlett Richard Long and John Catlett jun^r, and that the remainder which shall be found within the bounds of King and Queen County be assigned to the said Robert Beverley. And it is Ordered that a plott and Survey of the said several Dividents be returned to the Council Office against the next General Court.

For the more certain and speedy determination of all disputes and Controversys now depending before the Governor and Council in relation to any patents for land already prepared for signing; the Governor with the advice of the Council is pleased to appoint friday the last of this month being the fifteenth day of the General Court for hearing and determining in Council all such Caveats and petitions relateing to Grants of Land as are properly cognizable before this Board; and it is Ordered that publick notice of the said day of hearing be given to all partys concerned by setting up a Copy hereof in the General Courthouse.

And to the intent all her Majesty's Subjects may be certified when to attend the determination of such Controversys as may arise for the future relateing to the granting of Lands: The Governor with the advice of the Council doth further appoint the third day of each General Court respectively for hearing and determining all Caveats which shall be entered against any patents hereafter sued out. And it is Ordered that all such Caveats be entered in the Council Office at least the day before the first day of the General Court, that so a Docquet or List thereof being then publickly affixed in the General Courthouse, the partys concerned may be prepared for arguing the same on the day of hearing.

Whereas it hath been represented by the Recievers of the Virginia dutys that the Masters of Ships belonging to the Outports of

Great Brittain paying the imposition of two shillings per hogshead Tunnage and head money in bills of Exchange on the ports to which they belong, when the said bills are remitted to London for answering her Majestys Revenues, there happens a Discount thereon of one, two and sometimes five per Cent according to the Course of Exchange between the said Ports and London, which must either lessen her Majestys Revenue arising by the said dutys or prove a considerable loss to the said Recievers in case they are obliged to make good the said Discount. This Board being desirous to prevent the said diminution of her Majestys Revenue, and at the same time to remove the discouragements which would happen to the Trade of the said Outports, if the Masters of their Ships were obliged to give bills payable in London for the Virginia dutys have thought fitt to order and direct that where the Masters of any Outport Ships in that part of Great Brittain called England shall tender bills for her Majesty's dues payable at the said Outports, the Recievers of the Virginia dutys shall accept thereof, deducting the encouragement of ten per cent given by law to the Masters half per cent being the usual Discount on the said bills; And for any of the Ports in that part of Great Brittain called Scotland as much as the usual Exchange between the said Ports and London shall amount to.

October the 25th 1712

Present

The Governour

Robert Carter

Henry Duke

Philip Ludwell

John Lewis

William Fitzhugh Esq^{rs}

It having been represented to this Board that the officers in the Province of Maryland obliging the Sloops and other Vessells fetching tobacco from thence for Ships riding within this Colony to pay Tunnage according to their burthen, and the like care not having been hitherto taken by the Officers in this Government sundry Ships trading in Potomac River chuse to enter in Maryland, tho the greatest part of their Loading is fetch't from Virginia, because by so doing they pay only the Maryland Tunnage, which appearing prejudicial to the Trade of this Colony as well as a lessning of her Majestys Revenue of Port dutys It is the opinion of this Board that by the Express words of the Act for raising a publick Revenue all Vessells whatsoever lading Tobacco or other Merchandize to be transported to any other plantation are liable to the port dutys or tunnage according to their burthen; and the Naval Officers are directed to demand the same accordingly.

October the 27th 1712

Present

The Governor

James Blair
Philip Ludwell
Henry Duke

John Smith
John Lewis
William Byrd

William Fitzhugh Esq^{rs}

Gilbert Ivy and Adam Ivy being brought before this Board and examined on Suspition of trading with the Tuscaruro Indians contrary to the orders and proclamation prohibiting that Trade, and the Witnesses summoned against them not appearing It is Ordered that they be at present discharged out of Custody upon their entering into bond to the Queen each of them for the other in the sum of ten pounds Sterling not to trade with any Indians whatsoever during the present prohibition, otherwise than according to such Licence as shall be given for the Subsistance of the Tributary Indians. And

Whereas the Liberty taken by sundry persons to seat themselves on the Southside Maherine River gives great Opportunity to such persons to trade with the Tuscaruro and other Indians in Enmity, without being discovered. It is Ordered that the Sherifs of the respective Countys joining on Meherine River forthwith require of every Master of a Family seated on the Southside of the said River to give bond in the Sum of ten pounds Sterling that neither he nor any person for him shall trade with any Indian whatsoever for any Arms ammunition or other Commodities (except only with the Tributary Indians according to the Governors license given them for their necessary Subsistance) untill the said Trade shall be again laid open by orders from the Government; and in case any person refuse to give such bond that the Sherifs cause such person immediately to remove within Maherine River with their whole Familys: And It is also Ordered that the said bonds be returned to the Council Office.

At a Council held at the Capitol

the 31st of October 1712

Present

The hon^{ble} the Lieutenant Governor

Robert Carter
John Custis
James Blair
Philip Ludwell

Henry Duke
John Smith
John Lewis
William Byrd

William Fitzhugh Esq^{rs}

Edward Hill Esq^r having entered a Caveat for stoping a patent sued out by John Hunt for 128 acres of Land lying in Charles City County taken up and surveyed by the said Hunt as Wast land: and the said Hill for making out his title to the same Tract producing a Deed made by one John Hix to Edward Hill Esq^r deceased, but offer-

ing no Evidence that ever the said Land was patented by the Grantor or any other person from whom he claimed, nor making appear that ever the Quitrents for the same hath been paid for the said Land. It is the opinion of this Board that the title presented by the said Edward Hill cannot divest her Majesty of the property of the said Land, nor debarr the said Hunt from making a legal Entry for the same as it appears he hath done: And it is therefore Ordered that a patent issue to the said Hunt as having the most equitable Right thereto by virtue of his Survey and Rights now produced.

The petition of John Bremer in behalf of Jane Bremer his Daughter and Heir at Law to Jane Light deceased for stoping a patent sued out by John Bloomer and Esperance his Wife on an Inquisition of Escheat for land lying in the County of King & Queen late in the possession of the said Jane Light is referred to be argued in the General Court, there appearing to be matter of Law in the said Case not cognizable before this Board.

The petition of William Aylett for stoping a patent sued out by John Sandiford on an Inquisition of Escheat for Land in Essex County formerly belonging to one Richard Jones and George Turner is referred for hearing the pretensions of both partys to the said Land on the third day of the next General Court. And it is Ordered that the petitioner cause the said Sandiford to be served with a Copy of this Order; to the end he may have due notice of the aforesaid day of hearing.

On hearing at this Board the several Claims and pretensions of William Allegood and John Snaile of Princess Ann County to one hundred fourty nine acres of land lying in the said County being part of a patent of 200 acres formerly granted to Josiah Townsend, and entered for and taken up by the said Snaile as West land; but since the said Entry It is found by Inquisition that one hundred acres of the said Land is escheated to her Majesty by the death of Otho Russell the last Tenant in fee thereof, who died without Heirs or making any disposition of the same in this life time. It appearing to this Board that the land in Controversy is so uncertainly bounded that no determination can be made what part thereof the said Otho Russell held: by consent of both partys It is Ordered that the said William Allegood have a Grand of the Escheat, and that the remainder of the said Tract granted to the s^d Josiah Townsend and by divers mean Conveyances fallen to the said Allegood be included in the patent to be granted him after a Survey thereof hath been duly returned into the Secretary's Office for ascertaining the bounds. And it is Ordered that the said Allegood shall pay unto John Snaile the sum of twenty two pounds ten shillings in consideration of his expences in taking up and surveying the Surplus land; and upon such payment the said Snaile do relinquish all his Claim and Right, and also deliver up the patent for the same surreptitiously obtained last April while the said Allegoods Caveat was depending. And It is further Ordered that the said patent be razed out of the Secretarys Office.

On reading at this Board the Caveat entered by Thomas Jewell for stoping a Grant to John Parker of a Tract of land lying in Essex County found to escheat to her Majesty by the death of Stubble Stub-

bleson an Aliene, the said John Parker being dead since the obtaining the Warrant of Escheat It is Ordered that notice be given by a copy of this Order to the Widow or heirs of the said Parker to appear on the third day of the next General Court to make out their Equity to a Grant of the said Land.

On the petition of Dorothy Smith of the County of Essex Widow setting forth that she having intermarried with Charles Smith late of the said County, and brought him a considerable portion; After living together for several years the said Charles died, leaving his Lands which he had in his possession mortgaged, and his other Estate insolvent, and the petitioner very poor with five small Children to maintain, and that the petitioners said husband having obtained a Certificate from the Gen^l Court of his having prosecuted and proved his Right to One thousand & seventy one acres of land as lapsed from Henry Bentson did by his last Will give and bequeath the same to the petitioner and Charles Taliaferro to be equally divided between them, the said Taliaferro paying one Moiety of all Costs, and praying that a patent for the said lapsed Land may be granted to the petitioner for her better support. The Governor with the advice of the Council is pleased to order as it is hereby Ordered that a patent be granted for the said Lapsed Land to the petitioner and Charles Taliaferro, he paying his proportion of the Charges and Costs accruing for the prosecution and obtaining this Grant.

The petition of Harry Beverley for stoping a patent sued out in behalf of the Orphans of Thomas Thorp of Essex County for a Tract of Land in the said County is referred to be heard in Council on the third day of the next General Court And it is Ordered that the said Beverley give due notice by a Copy of this Order to the Orphans of the said Thorp to attend on the aforesaid day of hearing to make out their pretensions.

The petition of Margarett Griffes Widow for stoping a patent sued out by Orlando Jones for land in King William County is referred to be heard in Council on the third day of the next Generall Court; And it is Ordered that due notice be given to the said Jones to attend accordingly.

The petition of Nathaniel West and William Car Guardians and next Friends to William Craddock an Infant for stoping a patent sued out by William Hall of Gloucester County for a Tract of Land lying in the County of King and Queen and Essex as lapsed from George Morris is referred to be heard in Council on the third day of the next General Court; And it is Ordered that the petitioners cause due notice hereof to be given to the said Hall that he may attend accordingly.

The petition of Lewis Davis for stopping a patent sued out by John Waller for two hundred acres of land in King William County as lapsed from Mary Herbert is referred to be heard in Council on the third day of the next General Court; and it is Ordered that the petitioner cause due notice hereof to be given to the said Waller that he may attend accordingly.

On reading at this Board the petition of Henry Fox in behalf of John & Thomas Fox his Sons and of Nathaniel West Devises of John

West dec^d setting forth that the said John West did by deed of Gift and by his last Will and Testament give and grant unto John West deceased Thomas and Nathaniel West his Sons & the s^d Henry Fox a certain Tract or Divident of land containing by estimation Four thousand acres lying in King & Queen now King William County, which said Land the said John West and the petitioners as claiming under him have peaceably enjoyed ever since the year 1654, about which time the petitioners are informed the same was granted by patent to the said first named John West, but the petitioners not finding any patent for the same upon record humbly pray that they may be admitted to enter Rights for their several proportions of the said Land and that patents may be granted to them respectively for the same, for the more certain confirmation of their Titles. It is thereupon Ordered that Leave be granted to the petitioners to survey the several proportions due to them out of the said Four thousand acres of Land, they entering Rights for the same, And that patents be thereupon granted them upon the Conditions of Cultivation and improvement mentioned in her Majesty's late Royal Instructions.

The following Warrants on the Reciever Gen^l to be paid out of her Majestys Revenues were this day signed by the Governor in Council Viz

Out of the 2^s per hogshhead Port dutys and head money &c.

To Alexander Spotswood her Majesty's Lieutenant Governor of this Dominion half a years Sallary ending the 25th inst One thousand pounds

To Alexander Spotswood her Majesty's Lieutenant Governor of this Dominion half a years house rent ending the same time Seventy five pounds.

To the Gentlemen of her Majesty's Council half a year's Sallary ending the same time One hundred seventy five pounds.

To William Blathwayt Esq^r Auditor Gen^l of America half a years Sallary ending the same time Fifty pounds.

To Nathaniel Blackistone Esq^r Sollicitor of the Virginia affairs half a year's Sallary ending the same time Fifty pounds.

To Stevens Thomson Esq^r her Majestys Attorney Gen^l half a year's Sallary ending the same time Twenty pounds.

To William Robertson Clerk of her Majesty's Council half a years Sallary ending the same time fifty pounds

To Edward Ross Gunner at James City half a years Sallary ending the same time Seven pounds ten shillings.

To William Robertson Clerk of the Council for so much paid by him for several Expresses and other contingent Charges this last half year Fifty one pounds Eight shillings and eight pence half penny.

To M^r Nicholas Curle for twenty half barrells of powder bought on the expected invasion in the year 1711 Seventy five pounds.

To John Clayton Esq^r for his Journey to North Carolina to accomodate the differences between the Governor of that province and the party then in arms under Coll^o Cary Twenty five pounds.

And Out of the Revenue of Quittrents

To M^r Commissary Blair half a year's Sallary ending as above Fifty pounds.

To Steven's homson Esq^r her Majesty's Attorney Gen^l half a year's additional Sallary ending the same time Thirty pounds.

November the 5th 1712

Present

The Governor

Robert Carter
John Custis
James Blair
Philip Ludwell

Henry Duke
John Smith
William Byrd
William Fitzhugh Esq^{rs}

William Byrd Esq^r her Majesty's Reciever General having this day laid before the Council the accompt of her Majestys Revenue of two shillings per hogshead &c. to the 25th of last month and made Oath thereto, the same was certified by the Governor in the usual forme.

Whereas upon perusal of the Accompts of her Majesties Revenue the Governor was pleased to observe that sundry forfeitures and other dues accruing to her Majesty by vertue of her Royal prerogative have been heretofore applyed towards the support of this Government, and charged in the Accompt of the Revenue of two shillings per hogshead without any particular Warrant from her Majesty for so doing It is therefore Ordered by the Governor in Council that the Reciever General shall for the future keep a distinct Accompt of all such fines, forfeitures and dues accruing to her Majesty not appropriated by any particular law of this Country, and that the same be reserved for such uses as her Majesty shall think fitt to direct.

On hearing the dispute between Augustine Smith of the County of Essex and William Thornton of the County of Richmond concerning the grant of the land late of John Bouzee and claimed by both partys; the said Thornton refusing to agree to the division lately made of the said Land, or to accept any less than a Grant of the whole Tract It is therefore Ordered that a patent be granted for the said Tract of Land to Augustine Smith the other Claimant, he paying to the said William Thornton all the Costs and Charges expended by him in prosecuting and proving the said land to be lapsed.

Several patents for land being prepared according to her Majestys Royal Instructions were this day signed by the Governor in Council

November the 21st 1712

Present

The hon^{ble} the Lieutenant Governor

Robert Carter
James Blair

Philip Ludwell
John Smith &
William Byrd Esq^{rs}

The Governor acquainting the Council that the Sum of One thousand pounds given by the General Assembly of this Colony towards

the Relief of North Carolina would be too small to raise a sufficient force to assist that province against the Indian Enemy, and desiring the opinion of this Board whether the Rangers may not be drawn out and joined with the Forces to be raised for that Service, upon the encouragement^t of a small addition to their pay out of the said Fund. The Council are thereupon of opinion that the employing the Rangers in the manner proposed will prove the most frugal way of managing the small Fund given for the intended Service and Relief of North Carolina.

November the 24th 1712

Present

The Governor

James Blair
Philip Ludwell

John Smith
William Byrd Esq^{rs}

On the petition of Joan Curry of the County of Princess Anne setting forth that her Husband was some time ago killed by one Andrew Macclanahan of the said County: That the said Macclanahan having never been prosecuted for the said murder doth likewise threaten the life of the said petitioner, and praying Relief therein. It is Ordered that the said petition be referr'd to M^r Attorney Gen^l, and that he take proper measures for bringing the said Macclanahan to a Speedy Tryal.

On consideration of the Claim of M^r Nicholas Curle of One hundred twenty one pounds fourteen shillings for the hyre of a Spyboat fitted out in 1711, pursuant to her Majestys commands, which Claim having been recommended to the General Assembly for payments, and by them rejected. It is Ordered that the same be paid out of her Majesty's Revenue of two shillings per hogshead.

Ordered that the Claim of Susanna Allen for the diet of Eighty one french prisoners, for which satisfaction hath been denyed by the House of Burgesses be paid out of her Majesty's Revenue of two shillings per hogshead.

Ordered that there be paid out of her Majesty's Revenue of two shillings per hogshead unto Captain Nicholas Smith the Sum of Sixty pounds Sterling for six Weeks hyre of the Sloop Diamond taken up and imployed by the President and Council for the publick Service in the year 1710.

November the 25th 1712

Present

As Yesterday.

The Governor having signified to this Board that two Tuscaruro Indians are this day arrived with advice that in pursuance of their last Treaty with this Government they have taken Hancock one of the Ringleaders in the late Massacre in North Carolina, and are now upon their way hither with them [him]. It is Ordered that the said two Messengers remain here untill the arrival of the said Hancock, and that upon the delivering him up to this Government he be sent to North Carolina to receive the punishment due to his Crimes.

December the 9th 1712*Present*

The Governor

Robert Carter
James Blair
Philip LudwellHenry Duke
John Smith
William Byrd Esq^{rs}

Whereas by the Charter of King Charles the second to this Colony there is granted to every person coming to dwell here Fifty acres out of the Lands not already appropriated, as an encouragement for their personal adventure, which Right for importation having been solely intended for the benefite of the person imported, and they allowed to claim the said quantity of Land upon proof made of their importation in any of the Courts of this Colony, Nevertheless it appears upon examination of the Rights now in the Secretary's Office, upon which patents are claimed that both the person imported and the Importer have proved Rights for the same importation, and that many Certificates of Rights are still made use of, which may reasonably be supposed to have been long since satisfied, inasmuch as the persons mentioned therein to be imported have been many years in the Country, and divers other Frauds and abuses have heretofore been committed in obtaining such Certificates of importation, and thereupon takeing up land contrary to the Express intent and Meaning of the said Charter. For prevention whereof for the future It is Ordered that a proclamation issue requiring all persons who have a Claim to any Rights for importation already proved to deliver the same to the Clerks of the respective County Courts before the first day of April next in order to be transmitted by them to the Secretary's Office on or before the sixth day of the next General Court, to the end that the said Rights may be examined in Council, And that such of them as shall appear to have been *bona fide* obtained and not yet satisfied may be registered in the Secretary's Office, and such as shall appear fraudulent may be cancelled, and that for all rights hereafter proved a list be returned to the Secretary's Office every half year by the Clerks of the respective County Courts, mentioning the names of the persons imported, the year of their importation and the time of proving thereof.

And for the further prevention of Frauds which may be committed in makeing use of the same Rights twice It is Ordered that the following Rules be observed Viz^t That no person imported before the year 1706 (before which time the Right was allowed to the importer) be admitted to prove a Right for importation.

That no Certificate be granted unless Oath be made by the person desiring the same of the time of his importation and that the same hath not been proved before, either by himself or his Parents: and if it be a Woman, either by herself her Parents or husband.

That the Secretary of this Dominion shall cause a Register to be kept in his Office for every County, wherein shall be inserted the names of the persons imported, the time of their importation and the time of proving the same. And that whenever any of the s^d Rights are made use of in any patents for Land, the same shall be noted in a distinct Column opposite to the names of the said persons. and

That whenever any Patent shall pass upon Rights obtained for money paid to the Reciever General, the Certificate thereof shall immediately be cancelled.

At a Council held at the Capitol
the fifth day of March 1712 [1712/13]

Present

The hon ^{ble} Alexander Spotswood her Majesties Lieutenant Governor &c	
James Blair	John Smith
Philip Ludwell	John Lewis
Henry Duke	William Byrd Esq ^{rs}

The Governor having this day laid before the Council the several letters that have passed between him and Coll^o Pollock President of North Carolina, in relation to the assisting that Province as far as the money given by the late General Assembly here would permitt, and also communicating to this Board the Subject matter of a Conference held at South key, which was intended and desired by the Governor in order to concert proper measures for expending that small Supply in the best manner for carrying on the Service against the Indian Enemy; but that upon Coll^o Pollock's failing to meet, and giving no authority to the Agents sent by him to enter into any engagements or make any Overtures on the part of that Government, and their expressly refusing to furnish provisions for any Forces to be sent from hence to their Assistance, notwithstanding the engagements of their Assembly to supply such provisions together with the charge of transportation of the Forces. The Governor was pleased to acquaint this Board that he did not think it advisable to proceed any further in levying Forces to be sent to the Assistance of Carolina since the Fund given by the Assembly of Virginia is insufficient to furnish the pay and provisions of such a number of men as can in prudence be ventured to attack the Tuscaruro towns; and thereupon desiring the advice of this Board what further methods can be taken either for assisting Carolina or for defending our own Frontiers, since the Indians have lately committed three several murders on the Frontier Inhabitants of this Colony. Upon consideration of all which The Council are unanimously of opinion That since the Government of North Carolina have contrary to their engagements refused to furnish provisions for any Forces that should be sent from hence to their Assistance especially when by their Conjunction with the Forces sent from South Carolina it might have been reasonably hoped a speedy end would have been put to the War it is in vain to depend any longer on the engagements of that Government, nor is it practicable with so small a fund to pay and subsist such a body of men as is necessary to attack with Effect such a numerous Enemy as the Tuscaruros are: and therefore all this Government can do under the present Circumstances, is to defend the Frontiers of this Colony against the incursions of the said Tuscaruros and to prevent their obtaining any Subsistance by their hunting on our Frontiers, while the South Carolina Indians

are attacking them on the other side: And for that purpose it is unanimously Resolved that the whole body of the Rangers appointed for the several Countys be drawn together at Bradley's plantation on the head of James River by the 30th of this month. That one or two Officers such as the Governor shall think fitt be appointed to command them, with promise of a suitable Reward at their return. That provision's for fourteen days and a suitable Supply of Ammunition to be purchased out of the £1000 given by the last Assembly be delivered them at the place of Rendevouze. That for the better discovering and pursuing the Tract of any Indians, twenty of the Saponie, Occoneechee and Suckanox Indians be ordered to joine the said Rangers. That the said Rangers be directed to march from the place of Rendevouze to the Fork of James River, and there to attack and destroy the Settlements of any of the Tuscaruro and other Indians that probably have fled thither from Carolina for shelter. That after having ranged the said Fork, they cross the branches of James River and march to the foot of the Mountains, and then the several partys to seperate and scour the Woods between James River and Morattuck down to the Inhabitants. That upon their Meeting with any of the Tuscaruro Woccon, Neuse or other Indians in war with North Carolina they be directed to bring them in prisoners, and in case of their resistance or endeavouring to escape to subdue them by force of arms, pursuant to the directions of the Act of Assembly for appointing Rangers. And that after performing this Service, which may be accomplished in fourteen days, the said Rangers do return to their respective Countys.

It being represented to this Board that the ranging Service in the Southern precinct of Henrico County between James River and Appomattux hath been hitherto performed by the Militia, and that the Inhabitants are now desirous that a party of Rangers be appointed there It is accordingly Ordered that a Commission be prepared for the Governor's signing constituting Thomas Turpin Lieutenant of the s^d precinct, and that he list a party of Rangers as soon as conveniently may be.

Upon reading a Report from the Justices of Norfolk County on a letter directed to them from the Governor, whereby it appears that one John Fulcher late of that County deceased hath by his last Will set free sixteen Negro Slaves and given them a considerable Tract of Land in fee simple. It is the opinion of this Board that it is proper for the consideration of the General Assembly to provide by a Law against such Manumission of Slaves, which in time by their increase and correspondence with other Slaves may endanger the peace of this Colony.

On consideration of the petition of Thomas Jones praying that the Ship Elizabeth of London may be discharged of paying the Port dutys, the said Ship being bound to Maryland, and only touching in York River to unload some goods. It is the opinion of this Board that by the Express words of the Act of Assembly every Ship Ladeing or unladeing any goods or Merchandizes is lyable to the payment of the Port dutys, and that the said Ship Elizabeth ought to enter and pay the same accordingly.

At a Council held at the Capitol
the Sixteenth day of April 1713

Present

The hon ^{ble} Alexander Spotswood	her Majesty's Lieutenant Governor
Robert Carter	Henry Duke
John Custis	John Smith
James Blair	John Lewis
Philip Ludwell	William Byrd Esq ^{rs}

The Governor having this day communicated to the Council a letter from the President of North Carolina giving an account that the Forces under the command of Coll^o Moore had lately taken the Indian Fort of Naharoukha, and therein killed and made prisoners upwards of eight hundred of the Tuscaruro Nation, and that upon the said President of Carolina's representing the inability of that Government to prosecute their late success by reason of the departure of the greatest part of the South Carolina Indians, the discouragement given the Inhabitants by the loss of many of their men in the attack of the Fort and the utter impossibility of supplying with provisions any Forces that might be sent from hence, he had advised the said President to make peace with the Tuscaruro Indians while their late Defeat was fresh in their memories, and for that purpose to make use of Tom Blunt

Chief of those towns who have hitherto adhered to the English making him an offer in consideration of his fidelity of the Sole rule of the Tuscaruro Nation under the protection of the Government of North Carolina, and to receive as Friends all of that Nation that shall submit to him as their Ruler; as the most probable way to secure his obedience, to establish a lasting peace with those Indians and to extricate that Province out of the Calamities of a War which they are not able any longer to carry on and thereupon asking the advice of the Council whether it be probable that any further Supplies can be obtained from the Assembly of this Colony for enabling the Province of Carolina to prosecute the War, or whether in the present Situation of Affairs it be advisable for them to conclude a peace. The Council are unanimously of opinion that it is not probably the Assembly of this Colony will be prevailed on to give any fresh Supplies towards the Assistance of Carolina, considering the present poverty of this Country, and that the Affairs of that Province appear to much bettered by the destruction of so great a number of their Enemies. And as it is not to be doubted but that the Indians discouraged with their late losses will readily embrace any terms of peace that shall be offered them, it is most advisable for the Govern^t of North Carolina immediately to treat with the Indians upon the terms proposed by the Governor which appear to be such as will render that peace lasting and honourable, and bring greater Security to that and her Majestys neighbouring Colonys, than can be expected by carrying on a tedious War, the Event of which is uncertain.

Forasmuch as there doth not appear any immediate occasion for the Meeting of the Assembly untill the Event of the present War with the Indians be more clearly discovered. It is the opinion of the Council

that the Assembly be prorogued till the first of July next, and a proclamation was prepared accordingly.

April the 17th 1713

Present

As Yesterday

The order for a Survey on the lands in dispute between Robert Beverley and John Catlett, Richard Long and John Catlett jun^r not being executed, on the motion of both partys is continued to be executed and a return thereof made to the Council Office against the third day of next October Gen^l Court.

On consideration of the petition of Thomas Jewell for stoping a patent sued out by John Parker for land found to escheat from one Stubble Stubbleson an Aliene, It appearing that in the year 1669 an Inquisition was found on the same land and a grant thereof made to one Thomas Wale who conveyed it to the petitioner but no patent thereof on Record. It is Ordered that a patent be now granted the said Thomas Jewell, he paying the composition due to her Majesty for the full number of acres which the said Tract shall be found to contain upon a Survey thereof to be made at the Charge of the said Jewell: And it is Ordered that the Surveyor of Essex return a Plott and Survey of the same into the Secretary's Office that a patent may be prepared thereon and the bounds ascertained therein.

Upon the petition of Thomas Johnson setting forth that Coll^o John Walker late of King and Queen deceased being indebted to the petitioner in a considerable Sum of money and having a Right to a Grant of 315 acres of land which was to have passed into a patent in the name of John Waller did in his lifetime promise to make over to the petitioner the said Tract of land as soon as it was patented in part of Satisfaction of his said Debt, and the petitioner since the said Walkers decease having obtained the Consent of all his Children that are yet of age that the patent for the said Tract should pass in his name, upon his setting off so much as the said Land shall amount to at the rate of fourty pounds Sterling for every hundred acres; he therefore prayed that a patent may be granted for the said Tract in his name. Whereupon the Governor with the advice of the Council is pleased to order that upon the petitioner's giving bond to the Executors of the said John Walker to performe his said Agreement of discharging so much of his debt as the land shall amount to, and producing sufficient testimony of M^r Wallers consent, a patent be prepared for the said three hundred and fifteen acres of Land in the petitioner's name.

A Caveat being entered by William Aylett Gent for stoping a patent sued out by John Sandiford for a tract of Land found by Inquisition to escheat from John Shaw and George Anderson; the said Aylett claiming that Land by virtue of a patent thereof obtained about eight years agoe, as lapsed from Richard Jones and George Turner to whom the same was first granted. On hearing the Arguments of both partys, the said Aylett admitting that the land was seated and not

lapsed, and insisting only on his Equity an [as] having possessed the said Land and paid Quitrents for the same for so long a time, by consent of both partys time is granted them for makeing out their equitable pretensions to her Majesty's favour for a Grant of the said Land on the third day of the next General Court.

The Caveat entered by Richard Buckner, Joseph Smith, William Robertson and Elizabeth Loyd Widow for stoping a patent sued out by John Baylor and James Taylor for land in King and Queen County, by consent of the several partys is referred to be heard on the third day of next General Court.

Elizabeth Griffes having withdrawn her Caveat for stoping a patent sued out by Orlando Jones for Land in King William County, It is Ordered that the said patent be passed in the name of the said Orlando Jones.

The Caveat entered in the name of William Cradock an Infant for stoping a patent sued out by William Hall by consent of both partys is referred for hearing on the third day of the next General Court.

George Major having entered a Caveat for stoping a patent to John Rigault and Ben Dawson for land pretended to escheat from Christopher Rigault, and it Appearing by the Escheator's Return that the said Land is not found to escheat, the said Caveat together with the petition of the said Dawson is dismiss.

On the petition of James Sclater Clerk Ordered that the patent sued out by Henry Haward for land in York County be stop'd untill both partys be heard.

Lewis Davis having withdrawn the Caveat formerly entered by him for stoping a patent sued out by John Waller Gent for land in King William County It is Ordered that a patent issue for the said Land in the name of the said Waller, he producing sufficient Rights for taking up the said Land.

Aprill the 18th 1713

Present

The Governor

Robert Carter

Henry Duke

James Blair

John Smith &

William Byrd Esq^{rs}

On hearing this day in Council the severall pretensions of Harry Beverley and the Heirs of Thomas Thorp to take up & patent a Tract of land containing eight hundred and thirty one acres and thirty two perches of land lying in Essex County The Governor with the advice of the Council is pleased to order that the said tract of land be equally divided by the said Harry Beverley, and that the Heirs of the said Thomas Thorp have their choice of one moiety thereof, and the said Harry Beverley the other moiety, each of the said partys paying their equall share of the charges that have accrued on the first Survey, and of what shall accrue upon this Division, and that upon a Return of the said Division, Patents be granted the said partys for their respective shares.

Aprill the 21st 1713

Present

The Governor

Robert Carter
John Custis
James Blair
Philip Ludwell

Henry Duke
John Smith
John Lewis
William Byrd &
William Fitzhugh Esq^{rs}

This Board having proceeded upon the examination of the Rights returned from the severall Countys for taking up land as due for the importation of persons into this Colony, pursuant to the proclamation issued the 9th of December last past, and considering that the examining the said Rights in Council will require more time than can be spared from their necessary attendance on the Generall Court, have therefore referr'd the examination of the said Rights to Philip Ludwell and William Byrd Esq^{rs}, with these following Instructions for their direction therein Viz^t That no Certificate of Rights proved before the first of January 1692 be allowed to pass for any land now to be patented, it being reasonable to believe that such Rights have been already satisfied. That no Rights for importation proved since the year 1706 be allowed to pass unless granted to the persons imported, And that where it shall appear by the Certificates that the persons proving Rights for their own importation came into this Country to dwell before the year 1706, and were not free at the time of such importation, such Rights shall be rejected, it being the Custom at that time for the Merchant or Master to prove Rights for their Servants.

Aprill the 22^d 1713

Present

As Yesterday

Whereas Complaint is made to this Board that the Storehouse of Arthur Bickerdike Merchant in Gloucester County was lately broke open, and goods to the value of thirty pounds Sterling carryed away by six Runaway Negros, belonging to M^r Christopher Robinson and John Smith of Middlesex County, and that the said Negros being pursued and part of the goods found on them, did with fire arms and other Weapons Resist and assault the Under Sherif of Gloucester County, and others employed for apprehending them, and have since made their escape. For preventing the mischiefs which may ensue to Her Majesty's Subjects from the said Negros: It is Ordered that a precept issue under the Seal of the Colony requiring the Sherifs of the Countys of Gloucester and Middlesex, King and Queen and Essex to raise a sufficient Force of the Inhabitants of their respective Countys, and to make diligent Search in all suspected places, particularly in the Dragon Swamp; and to the Sherifs of Richmond and Lancaster to make the like search in their Countys below Totuskey after the said Runaway Negros, and them or either of them having found, to appre-

hend and secure; or in case of resistance or flight to kill and destroy; and that besides the s^d Search hereby directed to be forthwith made, the said respective Sherifs of Gloucester, Middlesex, King & Queen & Essex make one generall Search throughout their said Countys on Munday the fourth of May, and if they shall understand that the said Negros are fled into any other County, that they send the said precept to the Sherif of such County, who is in like manner required to search for and secure the said Negros, proceeding thereafter according to the directions of the Law for the more speedy prosecution of Slaves committing Capital Crimes. And for the encouragement of such Sherifs and other persons to be diligent in pursuing and siezing the said Runaways and Felons, there shall be paid to any person that shall take the Negro called Robin Mingo, so as he may be brought to justice the Sum of five pounds Current money; And for each of the other five, the sum of fifty shillings: And if any person shall discover any of the said Negros, so as they may be thereupon taken, such Discoverer, tho not concerned in the taking, shall be entitled to one fifth part of the Rewards hereby promised. And in case any of the said Negros shall be apprehended by any Negro or other Slave, such Slave shall have the same Reward to be laid out for his use and benefite at the discretion of the County Court where he resides.

On y^e motion of Henry Haward for a speedy determination of the Caveat entered by James Sclater Clerk against a patent prepared in his name for land in York County. It is Ordered that both partys be heard in Council on Tuesday next, And that the said Howard give M^r Sclater notice to attend accordingly.

On the petition of John Collier, praying a Grant in the name of Alice Sais, Sarah Collier and Henry Collier of One hundred and Eighty acres of Land lying in Gloucester County found to escheat from one Susanna Smith. It is Ordered that notice be given at the next Generall Court in the usual manner that a Grant of the said Land is sued for, to the intent that any person having title to the said Land may appear and be heard thereupon, before the passing the said Grant.

On the petition of Nicholas Merriweather in behalf of the Daughter and Heir of Thomas Merriweather deceased for stoping a patent sued out by Morris and Samuel Smith for 700 acres of land lying in Essex County, as escheated from Robert Hill. It is Ordered that the pretensions of the said partys be heard in Council on the third day of the next Generall Court, and that notice be given them to attend accordingly.

Aprill the 25th 1713

Present

The Governor

Robert Carter
John Custis
Philip Ludwell

Henry Duke
John Smith
William Byrd &
William Fitzhugh Esq^{rs}

The Governor in Council was pleased to nominate and appoint

the following persons to be Sherifs of the severall Countys for the ensuing year Viz

Henrico.....	William Farrar
Charles City.....	John Stith
Prince George.....	Randle Platt
Surry.....	William Edwards
Isle of Wight.....	Nathaniel Ridley
Nansemond.....	Henry Baker
Norfolk.....	Jonas Holliday
Princess Anne.....	John Cornick
Elizabeth City.....	Francis Ballard
York.....	Thomas Roberts
Warwick.....	Thomas Cary
James City.....	Mongo Ingles
New Kent.....	Thomas Butts
King William.....	George Dabney
King & Queen.....	Thomas Pettitt
Essex.....	Joseph Smith
Middlesex.....	John Vivian
Lancaster.....	Hugh Brent
Northumberland.....	Peter Presley
Westmoreland.....	John Sturman
Richmond.....	John Tayloe
Stafford.....	George Mason jun ^r
Gloucester.....	Ambrose Dudley
Northampton.....	William Kendall
Accomack.....	Thomas Custis

Ordered that a new Commission of the Peace issue for the County of Richmond, and that M^r John Tayloe be put in his former place.

Ordered that a new Commission of the Peace issue for the County of Northumberland with the addition of the severall persons recommended by the Court.

Aprill the 30th 1713

Present

The Governor

Robert Carter
John Custis
James Blair
Philip Ludwell

Henry Duke
John Smith
John Lewis
William Byrd
William Fitzhugh Esq^{rs}

The following Warrants on the Reciever Generall to be paid out of her Majesty's Revenues were this day signed by the Governor in Council Viz

Out of the 2^s per hogshead &c.

To the Governor half a years Sallary ending the 25th instant One thousand pounds.

To the Governor half a years houserent ending the same time Seventy five pounds.

To the Gentlemen of the Council half a years Sallary ending the same time One hundred Seventy five pounds.

To William Blathwayt Esq^r Auditor Generall of America half a years Sallary ending the same time Fifty Pounds.

To Nathaniel Blakistone Esq^r Sollicitor of the Virginia Affairs half a years Sallary ending the same time Fifty pounds.

To Stevens Thomson Esq^r Attorney Generall half a years Sallary ending the same time Twenty pounds.

To William Robertson Clerk of the Council half a years Sallary ending the same time Fifty pounds.

To Edward Ross Gunner at James City half a years Sallary ending the same time Seven pounds ten shillings.

To M^r Richard Bland for so much paid severall Ministers for their attendance one Generall Court and Assembly Ten pounds.

To M^r William Robertson Clerk of the Council for so much advanced by him for severall Messages and other contingent charges this last half year Thirty five pounds eleven shillings and ten pence.

To M^r Nicholas Curle for the hire of the Spy Sloop fitted out in 1711 £121^{''}14^{__}''

To Captain Nicholas Smith for the hyre of his Sloop Diamond taken up by the President and Council in the year 1710 Sixty pounds.

To Susanna Allen for the diet and Accomodations of sundry French prisoners taken by her Majesty's Ship Enterprize in the year 1711 Eighty seven pounds seven shillings and eleven pence.

To the Judges and Officers of the Court of Oyer and Terminer held in December 1712 One hundred pounds.

And Out of the Quittrents.

To M^r Commissary Blair half a years Sallary ending the same time One hundred pounds.

To Stevens Thomson Esq^r her Majesty's Attorney Generall half a years additional Sallary ending the same time Thirty pounds.

The Governor representing to this Board the necessity of an Armourer for cleaning and keeping in order the arms belonging to her Majesty now at Williamsburg consisting of two hundred Sett of Footmens Arms and one hundred of horse arms, and that he was now treating with one to undertake that Service at y^e rate of twelve pounds per annum: It is the opinion of the Council that the said Allowance is very reasonable, and the Service necessary for the preserving and rendering usefull the Arms that are lodged at Williamsburg. And in order to ease the Revenue, It is Resolved that five pounds per annum be deducted out of the Sallary allowed to Edward Ross Gunner at James City, and seven pounds more paid out of the Revenue of Two shillings per Hogshead as the yearly Sallary to the said Armourer.

A Memorial being this day read at the Board from Philip Ludwell Esq^r and Nathaniel Harrison Gent Commissioners appointed for settling the boundarys between this Colony and North Carolina, in behalf of themselves and the Surveyor and other Officers and Attendants imployed by them in the said Service, setting forth that in pursuance of the Trust reposed in them, they did in the years 1710 and 1711 at sundry times meet the Commissioners of North Carolina, in order to

adjust and settle the said Boundaries: That for the better discovering the truth of the matter in Controversy they were obliged to undertake sundry troublesome and expensive Journeys into Carolina, to the Tributary Indian towns and to sundry remote places on the Frontiers for examining of Wittnesses, taking the information of the Indians, and for making observation of the Latitude at the mouth of Nottoway River, Wiccon's Creek and Corrottuck Inlett, and praying that an allowance may be now made them suitable to their trouble and charge it being uncertain when the said Service will be finished, in regard of the many interruptions given thereto on the part of North Carolina, and the neglect of appointing new Commissioners pursuant to her Majestys Order in Council. This Board being satisfied of the fidelity and diligence of the said Commissioners in the discharge of their Trust, as well as of the great trouble & expence they have had therein are of Opinion that it is reasonable to allow for the said Service the Sum of Two hundred and fifty pounds Viz To each of the said Commissioners for themselves and their Attendants The sum of One hundred pounds. To Harry Beverley Surveyor for thirty eight days attendance of himself and his Servant with his Instruments for the discovery of the Latitude of the severall places claimed by both Governments Thirty eight pounds. To John Allen Surveyor for Eight days Attendance on the same Service Eight pounds. And to the Interpreter for his attendance and Service at taking the examinations of the Indians the sum of four pounds. And this Board do request the Governor to represent the same to Her Majesty, and humbly to move Her Majesty that the said severall Allowances to the Commission^{rs} Suveyors and Interpreter may be paid out of her Majesty's Revenue of Quittrents, the Service in which they were imployed being intended for the increase of that Revenue, and would have proved a considerable Addition thereto, had it taken Effect.

On a Representation from the Court of Charles City County. Ordered that a new Commission of the Peace issue for the said County with the Addition of sundry new Justices.

The Surveyor Generall and others the Governors of the College recommending to the Governors approbation M^r James Tayloe as Assistant to Harry Beverley Surveyor of the Countys of King and Queen & King William and M^r James Kemp as Assistant to M^r Charles Bailey Surveyor of the Countys of Accomack and Northampton

The said persons were accordingly approved by the Governor in Council.

On the petition of Thomas Mountague for stopping a patent sued out by William Stanard & Chichely Corbin Thacker, It is Ordered that the pretensions of the severall partys be heard before the Governor in Council on the third day of the next Generall Court

The Governor in Council taking into consideration that divers persons entring Caveats for stopping Patents for Land, upon slight and frivolous pretences, and not only injure the Patentees by delaying the passing their Grants, whereby they are kept out of possession of their just Rights, but also her Majesty loses the benefite of her Quittrents for the same land, while such Caveats are depending; For preven-

tion whereof for the future It is this day Ordered in Council that no Caveat be hereafter recieved for stoping any patent untill the person presenting the same give bond and security in the Council Office for the due payment of the Quittrents during the time the said patent shall be stopped.

On hearing this day in Council the petition of James Sclater Clerk for stopping a patent sued out by Henry Haward for fourty acres and a half of land lying in the County of York, It appearing to this Board that the said land hath always been reputed as Wast land, and so surveyed by the Father of the said Haward above twenty years ago. It is therefore Ordered that the patent already prepared be issued in the name of the said Henry Haward, Reserving to the s^d M^r Sclater to dispute his Right at Law, in case the said land upon Tryal be found to be within the Bounds of his elder Patent.

On the petition of Frances Wynne Widow for stopping a patent sued out by Richard Bland Gent for a Tract of land lying in the County of Prince George found to escheat from John Fountain deceased; It is Ordered that the petitioner be heard to make out her Equity to a Grant of the said Land before the Governor and Council on the third day of the next Generall Court.

On the petition of Samuel Harwood jun^r setting forth that the petitioner having been at great charge in obtaining a valuation of Pus-simon Island together with the Land proposed by him to be given as an Equivalent to the Vestry of Weyanoak for their pretensions thereto, and having at divers times attended the said Vestry desiring them to make their Choice, pursuant to the Order of this Board either of the Equivalent land or the value of the said Island in money, the said Vestry have still delayed to make such choice, to the great prejudice of the petitioner, and praying Relieff therein. It is Ordered that if the said Vestry do not make their choice before the first day of October next; That then upon the said Samuel Harwood's making due proof of his tendering to the said Vestry the price of the said Island according to the valuation, or a sufficient Conveyance of the Land proposed as an Equivalent; A patent do then issue for the said Island in the name of the petitioner: And It is Ordered that he cause the said Vestry to be served with a Copy of this Order that they may make their Election accordingly.

On a Representation from the Countys of Prince George and Richmond. The Governor in Council was pleased to appoint Coroners for the said Countys.

May the 2^d 1713

Present

The Governor

Robert Carter
John Smith
James Blair
Philip Ludwell

Henry Duke
John Lewis
William Byrd
William Fitzhugh Esq^{rs}

The Governor having this day asked the Council whether (after the experience they had last December that the issuing a Commission

for the holding a Court of Oyer and Terminer was unnecessary, there appearing no Criminals then to be tryed, they remained still of their former Opinion that the said Commission ought nevertheless constantly to issue. The Council taking the same into consideration, and being desirous to save all unnecessary expences of the publick Revenue, which at present requires the greatest frugality to manage, for defraying the Ordinary Charge of the Government, do (notwithstanding their Resolution of the tenth of June last) now offer it as their unanimous opinion That for the future no Commission issue for holding the s^d Court of Oyer and Terminer, unless it shall appear to the Governor that there are Criminals committed for Offences tryable at the said Court, such a compleat time before the days appointed for holding y^e same, that the ordinary process for summoning the Venire and Witnesses may be duly executed and returned, in which time notice may be given to the severall Judges that their Attendance is necessary, And that without such notice none of the said Judges need give their attendance nor shall expect any pay for the same.

Information being given to this Board that sundry Tracts of strange Indians have been discovered on the Frontiers of the Countys of Surry and Isle of Wight. For preventing any Attempts of the said Indians on y^e Inhabitants of the said Countys. It is the opinion of the Council that twenty five men of the Militia of each of the said Countys be ordered out to range four days in a Week, and so reliev'd from time to time by detachments of the like number, during the present danger: And that for the better pursuing the Tract of the said strange Indians, ten of the Maherine and Nansemond Indians be appointed to joine the detachment from Isle of Wight, and a like number of the Nottoway Indians to joine the detachment from Surry County, while they are in this Service: And it is also Ordered that ten of the Saponie Indians be appointed as a Reinforcement to the Rangers of Prince George's County, and to continue with them during the present danger, and in case the said Rangers and detachm^{ts}, shall discover a greater number of strange Indians, than they are able to overcome, that then the Commanding Officers give immediate notice to the Chief Militia Officer of the County, who is thereupon to draw together the whole Militia of the County to the place of danger, and to attack and pursue the said strange Indians, according to his discretion untill further Orders from the Governor.

The Governor acquainting the Council that the partys of Rangers dispatched upon the Frontiers of the severall Countys being too weak to attack singly any considerable body of Indians that may be in those parts; and desiring the opinion of the Council, whether the appointing two of the said partys of Rangers to go out jointly for three days march above y^e Inhabitants once every month, and making one other Range monthly cross the Frontiers of their Countys would not prove more effectual for the Security of the Inhabitants and as easy to the said Rangers: The Council do unanimously approve of the method proposed by the Governor: And it is thereupon Ordered that Instructions be prepared for the several partys of Rangers for putting the same in execution accordingly during the Summer Service.

On reading at this Board the petition of Elizabeth Marston of the County of James City Widow, complaining that one John Cox, an idle vagrant fellow hath lately assaulted and beaten severall of her Family, and also threatened the life of the petitioner, and that she having obtained Warrants for apprehending the said Cox, in order to his being bound to his good behaviour, the same have proved in vain because the said Cox living near the bounds of three severall Countys, as soon as the Officer of one County is in pursuit of him, he makes his escape into the other, and praying such Relieff therein as this Board shall judge proper. It is thereupon Ordered that the Sheriffs of the County of James City, Charles City and New Kent forthwith make Search throughout their severall Baliwicks after the said Cox, and him having found to carry before the next Justice of the Peace in the County where he shall be apprehended, who is hereby required to give notice to the said Elizabeth Marston, and upon her making out the truth of what she alledges in her petition, to bind the said Cox to his good behaviour, or otherwise to proceed against him according to law.

On the petition of Larkin Chew, Richard Buckner and Jeremiah Clowder, License is granted them to purchase Rights of her Majesty's Reciever Generall for taking up four thousand acres of land in the County of Essex, they appearing to this Board of sufficient Ability to cultivate the same according to her Majesty's Royal Instructions.

On the severall Representations from the Countys of Stafford and Norfolk The Governor in Council was pleased to nominate and appoint sundry new Justices to be added to the Commission of the Peace of the said Countys, and Commissions were accordingly signed for the said Countys respectively.

Whereas Andrew McClenahan of the County of Princess Anne hath been indicted this Generall Court for the murder of one John Curry of the same County in the year 1708 and found guilty of Manslaughter, and it appearing to this Board that notwithstanding the same evidences were produced soon after the Fact was committed before the Justices of Princess Anne County, in order to the Commitment of the said McClenahan and putting him on his tryal for the said Crime, Yet that Court did not only take upon them to discharge the Criminal, but also did contrary to their duty quash the Coroners Inquest without suffering it to be returned in the usual manner into the Secretary's Office, by which unwarrantable proceedings the said McClenahan hath for severall years escaped the punishment due for his Crime. This Board taking into consideration the evill consequences of such practices in the County Courts, do hereby declare the whole proceedings of the said Court of Princess Anne County in the year 1708 in the case aforesaid to be partial and unjust, and that the quashing y^e Coroners Inquest being an Office of Record was taking upon them a Jurisdiction, with which they are not trusted by the Law, of which this Board think it necessary to express their dissatisfaction. And it is Ordered that a Copy of this declaration be sent to the Court of Princess Anne County, and be entered on the Records of the Court, as a Caution to the said Court for their future behaviour in the like Cases.

Whereas Jane Ham of the County of King William having been indicted this Generall Court upon the Law of this Colony, for concealing the death of her Bastard Child, and found guilty: And the Judges of the Generall Court this day representing to the Governor that there did not appear on the Tryal any proof of the said Jane Ham's having done any violence to the s^d Child, to occasion it's death, but only endeavoured to conceal her being delivered thereof; and further that the said Jane appeared to be a very ignorant person, and not like to be apprised of the Law which makes such Concealment penal, And therefore recommending her as a fitt Object of mercy: The Governor declaring that the Crime of which the said Jane Ham is found guilty, making her liable to the same punishment as in case of wilfull Murder he was restrained by his Commission from pardoning the same: Whereupon the Council do request the Governor to represent the said Case to Her Majesty and in the mean time to reprieve the said Criminal, untill her Majesty's pleasure be known therein.

On reading at this Board the petition of Joseph Foster Gent late Sherif of New Kent County, praying allowance for 2485 pounds of Tobacco as lost in the weight of her Majesty's Quittrents in the year 1710, occasioned by the said Quittrents lying a long time in his hands before they were sold, the said loss being proved by the Oaths of the pet^r and his Under Sherifs It is the opinion of the Council and accordingly Ordered that her Majesty's Reciever General pay unto the said Joseph Foster so much as the said Tobacco shall amount to, after deduction of ten per cent for his Sallary as the rate the Quittrents of that County for the year 1710 were sold.

Upon the Report of Philip Ludwell and William Byrd Esq^{rs} appointed for examination of the Rights now in the Council Office, upon which Lands are claimed for the importation of persons into this Colony, there appearing divers Orders of the Generall Court in the year 1699, whereby severall Certificates of Rights are said to be approved, but no mention made in the said Orders of the names of the persons imported: It is the opinion of this Board that unless the persons claiming Lands upon such Orders of the Generall Court do make appear the names of the persons imported, in order to be inserted in the patents as usual, no such Rights be admitted, Reserving to the Owners thereof their Remedy agst the Secretary, in case the Originall Certificates were delivered into his Office and since lost. And It is Ordered that all Rights which are allowed be registered in the Secretary's Office, and forthwith thereafter returned to the Proprietors thereof and that such Rights as are Rejected be kept in the Secretary's Office; To the end that if any of the Owners thereof can shew sufficient cause for allowing the same, they may be heard thereupon before the Governor in Council on the 6th day of the Generall Court. And Whereas divers Entrys for land have been made upon Rights, now found upon examination to be defective and void, It is hereby declared that all such Entrys shall stand good and be of Force, untill the 6th day of Aprill Generall Court in the year 1714, and that no other person be allowed to enter for the same, in case the person having the present Entry shall produce other Sufficient Rights within that time.

Severall Patents for Land prepared for signing according to Her Majesty's Instructions being this day examined, & the Rights for the same being found good. It is the opinion of the Council that the said patents be sign'd by the Governor at his leisure.

M^r Commissary Blair, Philip Ludwell and William Byrd Esq^{rs} or any two of them, are appointed to inspect, allow or disallow the severall Rights, yet remaining unexamined; and for that purpose to meet at the Council Office as soon as may be, that the Rights allowed may be entered with the rest in the Secretary's Office.

Whereas it has been represented to this Board that the Vestrys of divers parishes within this Dominion refuse to pay the Quittrents for their Glebes. It is the opinion of this Board that all Glebes are as much liable to the payment of her Majesty's Quittrents as other Lands, and the Sherifs are required to demand and take the same of the Minister, Churchwarden's or whatever other person shall be in possession thereof.

A Memorial being this day presented to the Board in behalf of the French Refugees inhabiting at the Manicantown, complaining that the Sherif and other Officers appointed to collect the Quittrents and publick Levy, knowing that the s^d Refugees have no tobacco to discharge the same, refuse to accept of any other Commodities produced upon their Land, tho offered to them at the Current price, and praying that a rate may be sett on their Commodities, by which they may discharge their publick dues; Upon consideration whereof the Council are of opinion that the matters above represented are proper for the Cognizance of the Generall Assembly to remedy the same by a Law.

At a Council held at the Capitoll
the 10th day of June 1713

Present

The Hon^{ble} Alexander Spotswood Her Matys Lieutenant
Governor & Commander in Chief &c

Robert Carter
James Blair
Philip Ludwell
Henry Duke

John Smith
John Lewis
William Byrd
William Fitzhugh Esq^{rs}

On reading at this Board the petition of Anne Trewren Widow of Robert Trewren late of the County of Nansemond, complaining that the said Robert was in the month of June last past beaten, wounded and bruised by one Richard Oadham of the same County, of which bruises he dyed in the month of August following; Whereupon the said Richard Oadham being taken into Custody of the Sherif in order to his being brought to Tryal made his escape, and still lurks in some places within this Colony, so as he cannot be apprehended, and praying that some care may be taken for bringing the said Oadham to speedy Justice. It is Ordered that a proclamation issue requiring all Officers of Justice and other her Majesty's Subjects to apprehend the said Oadham wherever he can be found, and to deliver him up to Justice, and

strictly forbidding all persons to harbour or conceal him as they will answer the Contrary at their perill.

William Byrd Esq^r her Majesty's Reciever Generall this day laid before the Governor in Council the Accompt of her Matys Revenue of two Shillings per hogshead Port dutys and head money from the 25th day of October 1712 to the 25th of Aprill 1713, and made Oath thereto, and the same having been examined by the Auditor was certified by the Governor in the usual manner.

A Reprieve for Jane Ham condemned last Generall Court for concealing the death of her Bastard Child was this day signed by the Governor in Council.

This Board taking into consideration that there is no immediate Occasion for calling together the Generall Assembly at the time to which it stands prorogued, and that it is necessary to wait the Event of the Peace now treating on between the Government of North Carolina and the Tuscaruro Indians, upon which the continuing or disbanding the Rangers and other measures for the Service of the Colony will probably depend, are of Opinion that the Generall Assembly be further prorogued, And a proclamation was accordingly prepared and signed proroguing the Generall Assembly to the fifth day of November next.

On a Representation from the County of Isle of Wight. Ordered that a new Commission of the peace issue for the said County.

At a Council held at Williamsburgh August the 12th 1713

Present

The Hon^{ble} Alexander Spotswood Her
Majesty's Lieutenant Governor &c.

Robert Carter
James Blair
Henry Duke

John Smith
John Lewis
William Byrd Esq^{rs}

The Governor having communicated to the Council a letter from the Right hon^{ble} the Lords Commissioners for Trade and Plantation dated the 8th of May last, inclosing her Majesty's Royal proclamation for publishing the Peace concluded between her Majesty and the most Christian King, and directing that the same be published throughout this Colony. It is accordingly Ordered that for the more solemn publication thereof, a generall Thanksgiving be observed throughout this Colony on the tenth day of September next, and that then her Majesty's Royal proclamation be publickly read by the Sherifs of the respective Countys or their Officers at the Church of each parish immediately before the divine Service, And that the said day of thanksgiving may be the more religiously observed It is Ordered that a proclamation issue requiring the Ministers of the respective parishes that they preach Sermons suitable to this Occasion, and that where there are no Ministers, a proper Homilee be read by the Clerk or Reader; And M^r Commissary Blair is desired and appointed to prepare a Collect or forme of prayer for this Occasion to be read after the Generall Thanksgiving.

Ordered that an Address be prepared to congratulate her Majesty on the happy Conclusion of the Peace; And an Address was accordingly prepared and sign'd by the Governor in Council.

William Byrd Esq^r her Majesty's Reciever Generall presented the Accompt of the Quittrents for the year 1712, and made Oath thereto and the same having been first examined by Her Majesty's Deputy Auditor was certified by the Governor in the usual manner.

The Governor informing the Councill that upon divers late Alarms on the Frontiers of great Tracts of Indians discovered there, he had Ordered fifty men of the Militia of Surry, and the like number of the Militia of Prince George to range out in the woods for the space of six days, and to be joined with a party of the Tributary Indians, and that in case these Detachments should discover any thing whereby they may conclude that the said Indians intend any Acts of hostility upon the Inhabitants of this Country, the said detachments be weekly relieved by others of the like number, and desiring the opinion of the Council what other Measures may be necessary for the defence of the Frontiers. The Council did thereupon unanimously declare that the measures already taken are the most proper for the protection of the Inhabitants and disappointing the designs of the Indians.

John Smith Esq^r Absent

On reading at this Board a Copy of the Articles of Peace concluded between the Government of North Carolina and King Blunt and others of the Tuscaruro Nation; It appearing that in the said Treaty no notice is taken of any of her Majesty's other Plantations, altho the Government of North Carolina could not be ignorant that on their account this Country hath been particularly in open hostility with the Tuscaruros, and that in all the advances made by the said Tuscaruro Nation for makeing Peace with this Colony, particular Stipulations have been insisted on by this Government in favour of the people of Carolina And since before the conclusion of the said Treaty with Carolina, the Governor did by severall Letters desire that Virginia might be included or that Blunt should be sent in hither to treat apart, and give Assurance of his Future peaceable behaviour to the Inhabitants of this Colony: The Council cannot but consider this proceeding of the Government of North Carolina, as an Act highly prejudicial to her Majestys Service, very disrespectfull to this Country, and ill deserving that Assistance which has been given from hence in the Exigency of their Affairs And therefore the Council are further of Opinion that the Orders for siezing such of the Tuscaruros as shall come within this Colony be continued and the prisoners now in Custody secured untill the said Blunt shall come in to conclude a peace with this Colony. And the Governor is desired to insist with the President of Carolina that he be sent in accordingly.

Whereas by the Treaty of Peace and Commerce concluded between her Majesty and the most Christian King, all Acts of Hostility at Sea and land between the Subjects of their said Majestys are to cease; Whereupon there being no further occasion to continue the Restraint on clearing of Ships in order to go with Convoy, It is therefore Ordered that the Collectors and Naval Officers do not for the future stop the

clearing of any Ship or Vessel, under pretence of waiting for Convoy or for not having her Majesty's License, but that all Ships be at liberty to clear and sail in the same manner they used to do before the Commencement of the late War.

On the petition of Charles Bartelott Master of the Ship York Merchant praying that the said Ship may not be chargable with any more Port dutys, than in proportion to the quantity of Tobacco laded on board in this Colony. It is the opinion of this Board that the said Ship being entered in York River, and taking in part of her Lading there is liable to the full payment of the Port dutys by the Express words of the Act of Assembly, with which this Board cannot dispense.

Mongo Ingles by his petition setting forth that in pursuance of an Order of this Board dated the 21st June 1711, he hath resurveyed his tract of land in New Kent County. That the Surveyor not having as yet returned a Plott thereof and the petitioner being obliged to make a Conveyance of part of the said Land, he therefore prays that a patent may be granted him for the same as soon as the Plott and Survey shall be returned, without waiting the usual time for the Council's Meeting. Upon consideration whereof The Council are of opinion that the said Ingle's patent be renewed as soon as a Survey thereof shall be returned into the Secretary's Office.

On reading at this Board the petition of Thomas Jones, praying liberty to take up and patent two thousand acres of Land lying in one Tract within the County of King William; License is accordingly granted him The Governor and Council being satisfied of his Ability to improve the said Land according to the Conditions mentioned in her Majesty's Royal Instructions.

Whereas divers persons hold Tracts of Land under colour of Entrys and Surveys without taking out patents or paying Quittrents for the same, to the exclusion of others who would take up and cultivate the same land for the Improvement of the Country and Advancement of her Majesty's Revenue. For obviating of such indirect practices for the future It is Ordered that a proclamation issue requiring all persons who have surveyed any land since the death of Coll^o Edward Nott her Majesty's late Governor and have not yet sued out Patents for the same, that they sue out such patents before the sixth day of next Aprill Generall Court on the terms of Cultivation mentioned in her Majesty's Royal Instructions, or otherwise they shall be excluded the benefite of such Entrys, and the Surveyors shall be at liberty to enter the same for any other person who shall desire it; But forasmuch as sundry of the persons who made the first Entry being unable to cultivate the said Lands according to her Majestys Instructions may be desirous to assign their Entrys and Surveys to others of greater Ability, It is Ordered that liberty be given to such persons to assign their s^d Surveys or otherwise to withdraw their Rights, And the Clerk of the Secretary's Office is hereby required to deliver the Rights accordingly: And in case any of the said persons have purchased Rights of her Majesty's Reciever Generall, and are not minded to use the same for the taking up of Land, It is Ordered that the Reciever Generall do repay unto the person desiring the same, the money for which the Rights

were sold upon the Redelivery thereof. And forasmuch as severall persons keep possession of land escheated to her Majesty without obtaining Grants of y^e same It is Ordered that all such persons do sue out Patents for the said lands before the twenty fifth day of December next, or otherwise they shall be excluded from all Title to her Majesty's favour in the granting of the said Lands, as having justly forfeited the same by endeavouring to defeat her Majesty's Title, and defraud her of the Composition due for such lands. And a proclamation was prepared, read and Ordered to issue accordingly.

Whereas the form of patents heretofore used for escheated lands mentioning no particular bounds, but containing only a generall Grant according to the ancient bounds held by the last Proprietor, hath not only occasioned many vexatious Suits for ascertaining the said bounds, but also given opportunity to sundry persons suing out Grants of such escheated Lands to defeat her Majesty of the Composition due for the same by suggesting a less quantity than the said Tracts do really contain. It is therefore Ordered that for the future no patent be granted for any escheated land untill a Survey thereof be returned into the Secretary's Office, and that the bounds of the said Survey be recited in all such patents. And in case any person shall oppose the Surveying the said escheated Lands, Suit shall be commenced in her Majestys name for ascertaining the bounds thereof at the charge of the party who shall obtain the Grant.

Whereas information is given to this Board that great frauds are committed in landing Rum and other Liquors without paying the duties laid thereon by Act of Assembly; And although by the said Act such Liquors are forfeited, yet the Officers not being impowered to enter into any house for siezing the same the intent of the said Law is thereby evaded and rendered ineffectual: For preventing of such undue practices untill further provision be made by the Generall Assembly. It is the opinion of the Council that where the Collector of the said Dutys shall have ground to suspect that any liquors are run without paying the duty, The Governor upon his Application may give him his special Warrant for searching in all suspected places, in order to the discovery and seizure of the Liquors so run.

On a Representation from the Justices of Henrico County, Ordered that a new Commission issue for the said County with the addition of sundry new Justices.

Severall Patents for land being prepared according to her Majesty's Royal Instructions and the Rights thereof examined, were this day sign'd by the Governor in Council.

On reading at this Board the petition of the Mariners and other persons who lent money on and furnish'd provisions for the Ship Thomas and Elizabeth late from New England praying that a Court of Admiralty may be appointed for the Tryal of the said Ship in order to make her liable to the payment of the petitioners Debts. It is the opinion of the Council that a Court of Admiralty be accordingly appointed, it being agreed by the Lawyers on both sides that the same is a regular way of proceeding.

At a Council held at Williamsburgh
the 11th day of September 1713

Present

The Governor

Robert Carter
James Blair

Henry Duke
William Byrd Esq^{rs}

The Council being now reduced under the number of Nine, through the death of some of that Board, and the absence of others in England The Governor (in pursuance of the Authority granted him by her Majesty's Royal Instructions) was pleased to nominate and appoint William Cocke Esq^r Secretary of this Colony to be one of the Council, who having accordingly taken the Oaths appointed by Act of Parliament to be taken instead of the Oaths of Allegiance and Supremacy, the Adjuration Oath, subscribed the Test and took the Oath of a Councillor took his place at the Board.

William Cocke Esq^r Present

On a Representation from the Justices of King William County Ordered that a new Commission of the Peace issue for the said County, with the addition of sundry of the persons recommended by the said Justices.

The Governor acquainted the Council that he had lately recieved information that a great number of the Tuscaruros and other strange Indians have settled themselves on Roanoke River, which seems to be confirmed by the murders lately committed on our Inhabitants on that part of the Frontiers, and the marches of great numbers of strange Indians which have been discovered thereabouts And that finding the Inhabitants so much alarmed with the Apprehensions of further mischiefs from that Settlement. He desired to know the Council's opinion whether it be not advisable to endeavour at a discovery of that Settlement that some measures may be taken either to dislodge them from thence, or to secure the people in those parts from their Incursions in some other manner.

Whereupon the Council are unanimously of Opinion that it is necessary to endeavour at such a Discovery, which may enable the Government to take suitable measures for disappointing the designs of those Indians.

Then the Governor was pleased to declare that in regard the several partys of the Militia heretofore sent out in search of the Indians infesting the Frontiers have proved unsuccessfull, that considering the unwillingness of the people to march out upon such occasions without pay, and the want of experienced Officers for commanding such partys, in case they should encounter any body of those Indians, he was willing to undertake an expedition in person to the Indian Settlement on Roanoke, and either to oblige them to give Hostages for their continuing in peace with this Government or otherwise to destroy their Settlement. And for this end he intended to take with him two hundred men of the Militia of Surry, Prince George, and Henrico together with all the Force of the Tributary Indians, And since those Countys

were most exposed to danger he hoped he might find the number he proposed willing to go out on this Service without weakning much the Militia, that for the encouragement of such Voluntiers he proposed to allow them twelve pence per diem pay, with provision of bread and Ammunition, and the conveniency of Tents to shelter them against the badness of the Weather; but because he would not take upon him to dispose of any publick money without the concurrence of the Council, he desired the opinion of this Board whether part of the thousand pounds given by the Assembly towards the Relieff of Carolina may not be applied towards defraying the charge of this Expedition.

The Council after their acknowledgments for the Governors Care and Zeal in offering to adventure his own person for the Security of the Country, do unanimously give their opinion that this expedition being intended against the very same Indians who are in War with North Carolina, the charge of reducing them ought very properly to be defrayed out of the Fund given for the Assistance of that Province, and cannot be accounted a misapplication of that money.

The Governor further acquainting this Board that his intentions were upon discovering the Settlements of the Tuscaruos or other strange Indians, to endeavour at a Peace with them upon their making satisfaction for the murders committed on our Frontiers, and giving hostages to be kept and maintained here at their own charge for their living peaceably hereafter without disturbing any of her Majesty's Subjects. But in case they should refuse those terms, he judged it necessary to treat them as Enemys, but as by his Instructions he is restrained from declaring War against the Indians without the advice of the Council he desired the opinion of this Board therein. Whereupon the Council are unanimously of Opinion that if the Indians will not submitt to such reasonable Terms of Peace as may secure this Colony from future danger, it is necessary they be declared Enemys and treated as such.

Robert Carter Esq^r in name of the Council of this Colony presented to the Governor a Representation of the State of this Colony in relation to the Tobacco trade, with an humble Address to the Governor that he would be pleased to transmitt the same to the Right hon^{ble} the Lords Commissioners for Trade and Plantations. And the said Representation being read together with the Council's Address.

The Governor was pleased to answer that as he was very sensible of the unhappy Circumstances of the Country occasioned by the low price of their Tobacco, and was a Witness of the truth of divers of the Matters of Fact set forth in their Representation, he would carefully transmitt the same to the Lords Commissioners for Trade, and accompany it with his best offices.

At a Council held at the Capitol the 16th day of October 1713

Present

The Hon^{ble} Alexander Spotswood
her Majesty's Lieutenant Governor &c

James Blair
Henry Duke
John Smith

John Lewis
William Byrd
William Cocke Esq^{rs}

Whereas a Tuscaruro Indian named Will was lately taken up at the head of James River, and committed to the publick Goal on Suspicion of being concerned in the late Massacre in Carolina; The said Indian being this day examined in Council, and his Confession agreeing with the Account given of him by Coll^o Pollock President of North Carolina, whereby it hath appeared that he was sent with a Message from Coll^o Moore to some of the Tuscaruro towns to invite them to a Peace, and by them taken prisoner and delivered to the Senecas from whom he made his escape and that he has not been concerned in the War against Carolina, It is therefore Ordered that he be discharged out of prison and permitted to work for his Subsistence in town, untill the Tuscaruros come in hither to treat of a Peace, and then permitted to return to his own Nation, and in the mean time that he be cloathed at the publick charge, to be repaid out of the produce of his Labour.

Whereas a Tuscaruro Indian named Tom was lately taken up by the Pamunky Indians and committed to the publick Goal, And on his examination this day hath confessed that he murdered a Frenchman at Manican town about five years ago, It is Ordered that he be remanded to Prison, in order to be tryed & punished for the said Murder.

A Maherine Indian named Mister Thomas being pursuant to the Governor's Orders delivered up by the said Nation for corresponding with the Tuscaruros; And on his examination alledging that he was taken and carryed prisoner by the said Tuscaruros against his Will. It is Ordered that he be delivered to the Greatmen of the said Maherine town to be kept by them, untill it appear how his two Sons who are lately gone in the expedition under the command of Cap^t Hix shall behave themselves, Or that further proof be made that the said Mister Thomas his Correspondence with the Tuscaruros was involuntary as he pretends.

The Great men of the Maherine Indians this day representing to the Governor in Council that the President of North Carolina hath not only demanded Tribute of them, but hath sent his Orders to command their men to assist that Government, as if they were Tributarys thereto, It is the Opinion of the Council that the said Indians ought not to acknowledge any Subjection to the Government of Carolina, they having been constantly Tributarys to Virginia since the Treaty of Peace made at Middle plantation in the year 1677, and living within the bounds claimed by Virginia. And It is Ordered that the said Indians do not obey any Summons sent them by the Government of Carolina, nor furnish any men upon such summons without the License of the Governor of this Colony first obtained for so doing.

October the 19th 1713

Present

As before.

On reading at this Board the report of the Surveyor appointed to lay out the lands in dispute between John Catlett, Richard Long and John Catlett junior of the one part, and M^r Robert Beverley of the other, Both partys being this day heard by their Council It is Ordered that a patent be granted the said Beverley for the whole quantity of Land contained in his Survey, he first entering into bond to convey by good deeds in Law to the said Catletts and Long and all other persons claiming any Right in the said Tract by vertue of Entrys made with the Surveyor of Essex County so much of the said Tract as shall be found within the bounds of the said County of Essex, such Claimers at their own charge laying out the dividing Line between the said County and King and Queen, so far as the aforesaid Tract extends, and also refunding to the said Beverley the charge of his Rights for so much of the said Land as shall be assigned to them within one year after the date of the said Beverley's patent, or otherwise the bond to be void, and the said Beverley to enjoy the Land without any further Claim to be made by them.

On the petition of M^{rs} Frances Wynne for stopping a patent sued out by Richard Bland for the land of John Fountain dec^d, found to escheat to her Majesty; By consent of the said Bland It is Ordered that a patent be granted in the name of the said Frances Wynne, she paying the Composition due to her Majesty, and all other charges arising on the prosecution of the said Escheat.

John Story having petitioned the Governor in Council for stopping a patent sued out by Robert Beverley upon an Inquisition of Escheat for the land of Henry Foster dec^d. It is Ordered that the matter of law arising on the said Inquisition be argued before the Generall Court.

On the petition of Susanna, the Daughter heir and Devisee of Thomas Merriweather Gent deceased. It is Ordered that no patent issue to Maurice and Samuell Smith or any other person for the land lately found to escheat from Robert Hill of Essex County dec^d, untill the said Susanna be heard upon her Right in law to the said Lands, And that both partys attend this Board on the third day of the next Generall Court to make out their pretensions thereto.

William Cradock an Infant by Nathaniell West and William Carr his next Friends petitioning for stopping a patent sued out by William Hall of Gloucester County for a Tract of Land lying in the Countys of King and Queen and Essex as lapsed from Major George Morris, and the said Hall having been summoned to set forth his pretensions to the said Tract and not appearing. It is Ordered that no patent issue to the said Hall untill the petitioner William Cradock be first heard.

Richard Timberlake petitioning for a Grant of a Tract of Land containing about One hundred and Sixty acres found by inquisition to escheat from Thomas Twinney of Gloucester County deceased, It

is Ordered that a patent be granted him for the same land, he paying the Composition due to her Majesty and other charges arising on the said Escheat.

On the petition of John Collier, praying that a patent may issue in the name of Alice Sais, Sarah Collier & Henry Collier for the land formerly found to escheat from Susanna Smith. It appearing that the order made the last Generall Court hath been duly published, and no person claiming any interest in the said Land, It is therefore Ordered that a patent be granted according to the prayer of the said petition.

Thomas Mountague not appearing to prosecute his Caveat against, a patent sued out by William Standard and Chichely Corbin Thacker, It is Ordered that the said Caveat be dismiss.

Christopher Smith, William Cockerell and others petitioning for stopping a patent to John Yarborough and Richard Yarborough for land taken up by them in King William County, It is Ordered that the petitioners be heard before any patent issue to the said Yarboroughs, and that both partys attend to make out their severall pretensions before the Governor and Council on the third day of the next Generall Court.

Mary Evans petitioning for stopping a Patent sued out by Abraham Jacob. It is Ordered that the partys be heard to make out their pretensions before the Governor and Council on the third day of the next Generall Court.

On reading at this Board the petition of William Douglas setting forth that the petitioner's Father purchased of Coll^o John West dec^d Two hundred acres of Land in King William County, part of a Tract of four thousand acres said to be granted by patent to the said West above Sixty years ago, but tho the petitioner, and his Father had been in possession of the said 200 acres for near fifty years past, yet he is now informed that no patent can be found for the said Land, and praying that for a further confirmation of his title he may be allowed to enter Rights and take out a new patent for the said Land in his own name. It is thereupon Ordered that Leave be accordingly granted the petitioner to enter Rights and take up and patent the said Land, he giving publick notice by affixing a Copy of this Order at the Court-house of King William County for three Courts at the least; To the end that all persons having interest in the said Land may have time to offer their Objections against the same on the third day of the next Generall Court, and be heard thereupon before a patent be passed to the petitioner. And it is Ordered that he return a Certificate under the hand of the Clerk of that County of his having given such notice.

William Cradock Son and Heir of M^r Samuella Cradock late of King William County deceased by his petition setting forth that the said Samuella died possessed of One hundred acres of land lying in the said County, being part of a Tract of 4000 acres said to have been granted by patent to Coll^o John West the elder, But forasmuch as no such patent can be found, the petitioner prays that he may be permitted to enter Rights and take a new patent in his own name for that part thereof now possessed by him. It is thereupon Ordered that Leave be accordingly granted the petitioner to enter Rights and Sur-

vey the s^d Land he giving publick notice by affixing a Copy of this Order at the Court house of King. William County for three Courts at the least, To the end that all persons having interest in the said Land may have time to offer their Objections against the same on the third day of the next Generall Court. And it is Ordered that he return a Certificate under the hand of the Clerk of that County of his having given such notice.

Whereas John Sandiford did petition for a Grant of five hundred Acres of Land lying in Essex County found by Inquisition to Escheat from John Snow & George Anderson the last Tennants in fee of the said Land Against which William Aylett Gent entred a Caveat setting forth that he obtained a Grant of one thousand Acres (whereof the Land found to Escheat as above is part,) as lapsed from Richard Jones & George Turner the first Patentees for not seating & planting thereon according to Law, & whereas at a Council held the of April last past the s^d Aylett waived his pretensions to the said land by vertue of the Lapse insisting only on the equity of his case as having already obtained a Grant tho' on a mistaken Suggestion & having made sundry improvements on the Land and payed quitt-rents for the same, for eight years past, On hearing the arguments & allegations of both parties. It is the opinion of the Board that the s^d Aylett is best entitled to her Majesties favour And thereupon the Governour with the advice of the Council is pleased to order that a patent be Granted him for the s^d Five hundred Acres of land found to escheat as afores^d he paying the Composition due to her Majesty & refunding to the s^d Sandiford all necessary charges he hath been at in prosecuting the s^d Escheat. And it is further ordered the s^d Five hundred Acres be laid out in one entire Tract as convenient as may be to include the s^d Aylett improvements, but not to take away any part of the land whereon Keffel father in Law to the s^d Sandiford & under whom he claims dwelt, but that the same & all that residue of the Tract mentioned in the patent of Richard Jones & George Turner (excepting the five hundred acres afores^d) be left to the said Sandiford as of right belonging to him by descent from the s^d Keffell without any claim to be made by the s^d Aylett on pretence of his Lapsed patent, which he is hereby ordered to Release unto the s^d Sandiford & his heirs forever

Whereas by one Act of Assembly made in the year 1705 Entitled an act for preventing misunderstandings between the Tributary Indians & other her Majesties Subjects & for a free Trade with all Indians whatsoever It is amongst other things Enacted as follows Viz

Nevertheless it appears by the Complaint of the Queen & Great men of the Pamunkie Indians that diverse persons do encroach upon their Lands, & daily committ trespasses by cutting down trees clearing & tending the ground within the bounds appropriated for the use of the s^d Nation & otherwise disturbing them in the quiet enjoyment of their Right & property For the more effectual & speedy determination of all disputes and Controversies between the s^d Indians & the Neighbouring Inhabitants It is ordered that all Persons having or pretending Claim to any Lands within that bounds laid out for the s^d Indians do on the 10th day of November next make out their titles to

the Respective Lands & bounds claimed by them before the Governour in Council And It is Ordered that the Interpreter to the s^d Indians go to every person seated within the Indian King & others joining thereon & give them due notice to bring or send the Patents Deeds or Conveyances by which they claim at the time herein appointed Hereby Certifying all such persons as shall hereafter disturb the said Indians by Trespassing on their lands they shall be prosecuted & punished according to the Act of Assembly aforerecited

Complaint being made to this Board by John Vesey chief man of the Wicocomoco Indians that one Richard Ball of Northumberland County hath for severall years detained as a Servant one George an Indian of that Nation under pretence of a Contract made with his Mother also an Indian, Contrary to the acts of Assembly then in force, & because the s^d George departed from his Service, hath now sued the Mother of the said George for entertaining him & threatnes others of the same Nation with the like prosecution to their great disturbance It is Ordered that the s^d Comp^{lt} be referred to M^r Attorney Gen^l to consider the Acts of Assembly alledged by the Complaints and if he find Cause to prosecute the s^d Ball for the penalty therein contained and take such legall Measures as he shall be [deem] fitt to prevent the s^d Indians from any unjust vexation at M^r Balls suit

Whereas Cap^t Thomas West hath represented to this Board that he hath been in quiet possession for above twenty years past of 1600 Acres of land lying in K. W^m County devised to him by Coll^o John West his father being part of a Tract of 4000 Acres long since granted to the s^d Jn^o but upon examination no patent can be found for the s^d Tract & therefore prayed that he may be permitted to enter Rights & take out a new patent in his own name for the s^d 1600 acres for the further confirmation of his Title It is ordered that leave be granted the s^d Tho^s West to enter Rights & Survey the s^d 1600 acres claimed by him. & in case no other person shall make out a Title to the s^d Land at the day appointed for hearing controversies about Lands before the Governour in Council at next Gen^l Court that then a patent be granted to the s^d West in his own name he producing a Certificate under the hand of the Clerk of King William County that a copy of his order hath been affixed at the door of the s^d Court house for three severall Court days whereby all persons pretending Title to the s^d Land may have due notice to make out their pretensions.

October, the 29th 1713

Present

The Governor

Robert Carter
James Blair
Henry Duke
J. Smith

J. Lewis
Will^m Byrd
W^m Fitzhugh
W^m Cocke Esqr^s

The following warrants on the Receiver Gen^l to be payed out of his Majesties Revenues were this day signed by the Governour in

Council Viz out of the Revenue of 2/per hhd port duties & head money

To the Governour half a years Sallary ending the 25th instant, one thousand pounds

To the Governor for half a years house rent ending the same time £75

To the Gen^t of the Council half a years Sallary to the same time £175

To William Blathwayt Esq^r Aud^r Gen^l half a years Sallary ending as above £50

To Nathaniel Blackiston Esq^r Sollicitor of the Virginia affairs ½ years Sallary ending as above £50

To Stephens Thomson Attorney Gen^l ½ years Sallary ending as above £20

To W^m Robertson C^lk of the Council ½ years Sallary ending as above £50

To Edward Ross Gunner at James City ½ years Sallary ending as above £5.

To Salathiel Quinie Armourer at W^ms^burgh ½ years Sallary ending as above £6

To the Judges & officers of the Court of Oyer & Terminer held in June last £100

To M^r Richard Bland for severall Ministers attending this Generall Court £5.

To M^r William Robertson for sundry expresses & other Conting^t charges £29^{''}1^{''}8.

And out of the Quittrents

To M^r Commissary Blair ½ years Sallary ending as above £50.

To Stephens Thomson Esq^r ½ years additional Sallary ending as above £30.

Cap^t Robert Hix Commander of the detachment sent out for discovery of the Indian Settlements on the Frontiers of this Collony, this day attended the Governor in Council & brought with him two Great men of the Tuscoruro Town called Tyahooka whom he found with a great body of that Nation on Roanoak River & the said Indians being examined touching the cause of their coming on the Frontiers of this Government & what their intentions are therein They declared that they were forced to the North side of Roanoake River by the S^o Carolina Indians, that they had no intention to injure any of her Majesties Subjects, but on the contrary they the s^d Great men were now sent by the whole body of their Nation dispersed on Roanoak to beg a peace with this Government that they were unwilling to return to North Carolina & had rather become Tributarys to Virginia & therefore desired to know upon what terms they might obtain a peace & enjoy the protection of this Governm^t that they may return & communicat the same to their people having now no other power than only to hear what shall be demanded of them in order to establish a peace Whereupon the Council came [to] this unanimous resolution that the offers of the s^d Indians to conclude a peace & become Tributaries to this Government be accepted and that the particular places of

settling them & the Satisfaction to be demanded for the former hostilities committed by them in Carolina (if any of these Indians shall be found guilty thereof) be ref^d till Deputies come from them fully impowered to treat of the Severall articles that shall be thought fitt to be insisted on And the s^d Indians being acquainted with the Resolution, promised that they & all their Great men would in 20 days time return with full power to agree to whatever shall be required of them for concluding a peace with this Government & for that purpose desired passports for their more safe travelling hither which were according granted them

Whereas Cap^t Robert Hix & Lieu^t David Crawly who commanded the detachment of the Tributary Indians Sent out by the Governour to discover the settlements of the Tuscoruros have faithfully discharged the Trust reposed in them & have undergone great fatigue in the execution thereof It is the opinion of this Board & accordingly ordered that their be payed to the s^d Hix the summe of £12. & to the s^d Crawley the summe of £8 out of the money given by the Assembly for the Assistance of North Carolina as a Reward for their Service.

For the encouragement of the Tributary Indians faithfully to serve the Government It is ordained that there be given to each of the Indians that served in the Detachment under Cap^t Hix two pounds of powder & eight pounds of Shott, & that over & above the s^d allowance there be given to the King of the Nottoways for his good Service a particular Reward in Cloathing with ten pounds of powder & 40 lb of Shott and the Tottero King the like Reward of Cloathing and 8 pounds of powder & 32 Shott & to the Great man of the Saponie's 6^{lb} powder & 24^{lb} Shott to be defrayed out of the money given by the Assembly towards the Relief of North Carolina.

On reading at this Board the petition of Elizabeth Harrison widow of Benj^a Harrison late of the County of Charles City Gen^t deceased praying that a patent may issue in the name of Francis Lightfoot Gen^t for 1700 acres of land called Goodriches quarter lying in Surry County formerly taken up by the s^d Benjamin & by the Pet^r Sold to the s^d Francis by vertue of an act of Assembly empowering her to sell the s^d Tract & other lands for payment of the debts of her s^d deceased husband It appearing that the s^d Tract was entred for & Surveyed with sufficient Rights in the lifetime of the s^d Benj^a Harrison & that the aforementioned Francis Lightfoot is of sufficient ability to Cultivate the same according to her Majesties Instructions It is therefore ordained that a patent be granted him for the s^d land

On the petⁿ of Richard Covington setting forth his pretensions to her Majesties favour for obtaining a Grant of 114 acres of land in Essex County lately found to Escheat to her Majesty from William Tilbot dec^d The Governor with the advice of the Council was pleased to Grant the s^d Land to the Pet^r & it is ordained that a patent be prepared in his name for the same upon his paying the Composition & other usual fees.

November the 10th 1713*Present*

The Governor

James Blair
Henry Duke
John SmithJohn Lewis
William Byrd
William Fitzhugh

William Cocke Esqrs

Whereas the severall Proprietors of Lands within the bounds laid out pursuant to the articles of peace for the Pamunky Indians did this day attend the Governor in Council according to the order of this Board the nineteenth day of October last, & produced the severall Patents by which they claim It is thereupon ordered that the s^d severall persons do for the future keep themselves within the respective bounds Set forth in their Patents without encroaching or trespassing upon any of the Lands yet reserved for the use of the s^d Indians under pain of being prosecuted for the same according to the Act of Assembly for preventing misunderstandings with the Tributary Indians &c. & to the end the Indians may be secured in their property for the future It is ordered that the Attorney Generall or his deputy for the County of King William do prosecute all persons whatsoever that shall hereafter trespass upon any part of the s^d Indians Lands & that it may be known who they are that have a Right within the Ring laid out for the s^d Pomunkie Indians It is Ordered that publication be made at the Court house of King William County that the following persons have made appear their Rights to lands within the Ring Viz Philip & George Southerland by Patent dated the twenty eight of October 1702. granted with the consent of the s^d Indians declared in the Generall Court the twenty Second of Oct^r 1701. for three hundred & twelve acres Philip Williams by Patent dated the 24th of April 1703. with consent aforesaid a hundred acres Alexander Anderson by Patent dated the second of Nove^r 1705. with consent afores^d twenty four acres.

William Andrews Patent dated the first of April 1702. consent *ut Supra* thirty three Acres sold to Jn^o W^{ms}.

Heir of James Johnsons patent dated 23^d Oct^r. 1703. consent *ut Supra* forty

John Hamptons patent dated the first of April 1702. consent *ut Supra* eighty

John Whitworth by patent to Thomas Ware dated the first of April 1702 consent *ut Supra* Six hundred & twenty

Griffin Williams by patent to Elizabeth Ware dated 1st April 1702. consent *ut Supra* two hundred & forty

Morris Roberts patent dated 1st April 1702. consent *ut Supra* three hundred

Jane Johnson by patent to Fuller dated 1st April 1702. consent *ut Supra* one hundred & sixty two

Edward Huckstep patent dated 1st April 1702. consent *ut Supra* four hundred & Seventy two

Thomas Macgehee patent 28th Octo^r 1702. consent *ut Supra* two hundred & fifty Six

Nathaniel West by Patent Granted Robert Napier the 20th Octo^r 1704. Consent aforesd three hundred—

Thomas Spencer by patent granted John Pattiver date consent aforesd three hundred & ten.

Edward Dell by patent dated 1st April 1702. with consent aforesd holds at present about five hundred & ninety And there is sold out of the Tract of one thousand three hundred & forty Six acres mentioned in the s^d patent, as follows Viz

To Thomas Whitworth two hundred.

To Robert Tomms eighty five.

To William Smith one hundred & ninety

To Ambrose Lipscomb one hundred & forty.

To Henry Fox, now held by M^r Micajah Perry two hundred

It appears also that there hath been sold out of Edward Huckstaps patent the quantity of three hundred acres which is now held by Thomas Wood & Richard Slaughter; & that there hath been sold out of Griffin Williams's patent & now held by Valentine Winfree a hundred acres.

And whereas George Shelling & Michael Waldrobs have surreptitiously obtained Patents for Land within the Indian Ring without making out their right thereto as by the Act of preventing misunderstandings with the Tributary Indians they were directed It is ordered that her Majesties Attorney Generall bring process for vacating the s^d patents, unless the s^d Shelling & Waldrobe shall at the next Generall Court make appear that they have as equitable a pretention to the s^d Lands as any of the persons who have heretofore obtained Grants within the s^d bounds, & shall thereupon take out new patents for what shall be found due to them severell patents for land being prepared according to her Majesties late Instructions were this day signed by the Governor in Council.

November the 18th 1713.

Present

The Governor

James Blair
Henry Duke
John Smith

William Byrd
William Fitzhugh &
William Cocke Esqr^s

Severall patents for land being prepared according to her Majesties late Instructions were this day signed by the Governor in Council.

November the 24th 1713

Present

The Governor

Robert Carter
James Blair
Henry Duke

John Smith
William Byrd &
William Cocke Esqrs

John Delacroix Mate of the Ship Le Count de Poix belonging to the Royal French Company of Senegal having accused William Richard-

son Master of the Sloop Susanna of Bermuda of Robbing him upon the high Seas, & taking from him certain goods which he had saved out of the sd Ship, after her being cast away, upon the Island of Heneagua in the West Indies. Upon the examination of the s^d Delacroix, & also of the Master & Crew belonging to the afores^d Sloop Susanna It is the opinion of this Board it appearing that no information was given by the s^d Lacroix till a considerable time after his arrival here, and then only upon a quarrel between him & the s^d Richardson that none of the goods alledged to be Piratically taken have been found upon the searches made except about a hundred & fifty pound of Indico which the s^d Richardson owns to have been taken from the French wrack & it being also very improbable that Richardson should bring along with him a person on whom he had comm^d Piracy It is therefore the unanimous opinion of the Council that the single Testimony of the s^d Lacroix so circumstantiated, & without any other Corroborating Evidence is not a sufficient or legal proof so as to bring the s^d Richardson to a Tryal upon the afores^d accusation. But for as much as it hath appeared to this Board, upon the examination of the Said Richardson that he hath made a false entry of the goods imported in the s^d Sloop, & other probable Susptions of his being an illegal Trader This Board are therefore of opinion that it is fitt he be prosecuted before the Court of Admiralty for that offence.

November the 25th 1713

Present

As Yesterday

On reading at this Board the petition of John Drew Master of the Ship Nightingale of Biddiford Setting forth that in the Month of March last the s^d Ship was Sett on fire by some malicious & evil disposed persons & burnt in Coan River within the District of Potomack, & praying that in consideration of his great losses he may be acquitted of the port duties for the s^d Ship Nightingale be remitted, & that the Receiver of the s^d duties in Potomack District do deliver up to be cancelled the bond given at the entry of the Ship for the payment of the aforesaid Duties.

December the 5th 1713

Present

The Governor

Robert Carter
James Blair
Henry Duke

John Lewis
William Byrd &
William Cocke Esqr^s

Whereas William Richardson Master of the Sloop Susanna of Bermuda hath acknowledged that he took Out of the Ship Le Count de Poix wrecked at Henneagua a considerable quantity of Sugars & Indico & other goods of value, some of which Indico hath been proved to be

imported into this Colony, but the greater part thereof with the other goods Sent to Barmuda And whereas John Delacroix Mate of the Sd Ship hath laid claim to the S^d Indico, & hath made oath that the Sugars & other goods sent to Barmuda do belong to the Royal French Company of Senegal. It is the opinion of this Board that pursuant to the Treaty of Commerce between her Majesty & the most Christian King, the s^d Richardson be obliged before his departure out of this Colony to give security for answering the demand of the s^d Dela Croix if the same be prosecuted within Eighteen Months from this date

December the 12th 1713

Present

The Governor

Robert Carter
James Blair
John Smith

John Lewis
William Byrd
William Cocke Esqrs.

On a Representation from Nansemond County ordered that a new Commission of the peace issue for the S^d County with the addition of sundry new Justices. Whereas Augustine Moore & John Butts Gen^t have humbly represented that their refusing to take the oaths of Justices for King William County when they were last put into Commission was occasioned by extraordinary affairs they then had under their management, which would not permitt their attendance on the S^d office, & that they are now desirous to be admitted again as Justices of the Sd County It is accordingly ordered that a new Commission issue for the Sd County, & that the Said Moore & Butts be restored to their former places therein.

At a Council held at the Capitol the 27th day of January 1713 [1713/14]

Present

The Honourable Alexander Spotswood
her Majesties Lieu^t Governor

James Blair
John Lewis

William Byrd &
William Cocke Esq^{rs}

The Governor acquainted the Council that by the death of Henry Duke & William Fitzhugh Esq^{rs} the number of her Majesties Council now residing in the Country being reduced to no ore than seven he therefore judged it necessary for her Majesties Service to Supply that vacancy in part by calling to this Board Nathaniel Harrison of the County of Surry Esq^r, a Gentleman of Sufficient qualifications for the discharge of this Trust, who being accordingly called in took the oaths appointed by act of Parliament to be taken instead of the Oaths of Allegiance & Supremacy, & the abjuration Oath, Subscribed the Test & took the Oath of one of her Majesties Council & thereupon took his place at the Board.

Nathaniel Harrison Esq^r Present

The Governor this day informed the Council that on the 20th of the last month, several of the Great men of the Tuscaruro Nation arrived here according to what their Deputies had promised before this Board last October. That the s^d Great men had intimated that it was the desire of all their people to conclude a peace with this Government, & to become Tributarys thereto, but withal desired that land might be assigned them on Roanoak River for their Settlement; That thereupon the Governor had refused to permit their Settling on Roanoak, lest their Neighbourhood to North Carolina might occasion new differences between them & that Government & draw upon them the South Carolina Indians, which would necessarily involve this Government in a War with those Indians for the Protection of its Tributarys; That he had proposed to Settle them between James River & Rappahannock recommending that as a place of more Security for them against the incursions of foreign Indians, but with a design to cutt off all Communication between them & North Carolina, & thereby preventing their taking any opportunity of revenging themselves upon the Inhabitants of that Province, that he had besides endeavoured to persuade those Indians of the advantages they would receive by this Settlement, such as their having a large tract of land to hunt in, a body of the English to live among them, & to instruct their Children, in Literature & the principles of Christianity, to bring them to a more civilized & plentiful manner of living, & to establish a constant intercourse of Trade between them and the Inhabitants of this Colony; all which they seemed to be much pleased with Except only as to the place proposed for their Settlement; Upon which they desired time to consult with the rest of their Nation promising to return with full power to conclude upon every particular by the middle of February. And because the Said Deputies had represented that their people were in extreme want of Corne for their Subsistance he had at their request given leave for twenty of their men to come in amongst the Inhabitants & purchase as much as they could at once conveniently carry.

After which the Governor was pleased to communicate to the Council the Scheme he had framed for the Settlement of the Indians & the Security of the Frontiers Which is as follows Viz. That the Maharines be incorporated with the Nottoways & Settled upon Roanoak River with a party of twelve English men to reside among them, who shall observe all their motions & some of them to go out constantly with their hunting Parties & that the grounds for their hunting be assigned them between Roanoak River & Appomattox. That this Settlement consisting of a considerable body of Indians would serve as a good Barrier to the Inhabitants against the Southern Indians, whose incursions are now most to be dreaded, That the Saponies, Stukanox, Occoneechees & Totteros have a Fort built for them above the Fork of James River. That fifteen men & an Officer be appointed in like manner to reside among them, & that two pieces of Cannon be carryed up to their Fort. That this Settlement being in the Centure of the others will be a proper place to settle a Missionary for the Instruction of the Indians, if the Society for propagating the Gospel shall think fit to send one for that purpose.

That the Tuscaruros be settled upon the North Side of James River, or between that & Rappahannock, & have their hunting between those Rivers with twelve men at their settlement & that by this method the Indians may be kept from forming any designs against her Majesties Subjects while they have English men to observe them; & likewise by their constant Ranging along the Frontiers, the Incursion of all straggling Parties of foreign Indians will be prevented & that Satisfaction may be given to the Government of North Carolina, The Governor declared that he intended upon the Treaty with the Tuscaruros to insist that such of that nation as shall be discovered to have been concerned in the Massacre be delivered up to Justice, And that altho' the Generall Assembly had given him the sole power of securing the Frontiers in what manner he should think proper, yet he being always desirous to be advised by the Council in whatever concerned the Service of her Majesty & the publick benefit of the Countrey he now asked the opinion of this Board upon the foregoing Scheme Whereupon the Council did unanimously declare the approbation of the project intended to be put in execution, as tending as well to the safety of her Majesties Subjects as the lessning the publick charges.

Then the Governor acquainted the Council that pursuant to the power given him by the late Act of Assembly he had for the ease of the Countrey disbanded five parties of the Rangers, & reduced the number of those continued in pay to ten men in each Party.

Whereas information is given to this Board that M^r Nicholas Merriweather of the County of New Kent hath by many Seditious Speeches & misrepresentations endeavoured to disturb the minds of the people of that County with false notions & prejudices in relation to the late Act for preventing frauds in Tobacco payments, to the endangering the publick peace of the Government It is therefore the opinion of this Board That for discouraging such persons from the like practices, the s^d Merriweather be removed from all publick offices in the Government & accordingly ordered that he be put out of the Commission for the peace of the Sd County.

A Patent to Abraham Micheaux for Land in Henrico County being prepared according to her Majesties Instructions was this day signed by the Governor in Council

As a Council held at the Capitol the 6th day of February 1713 [1713/14]

Present

The Governor

Robert Carter

John Lewis

Ja: Blair

&

William Byrd

William Cocke Esq^{rs}

The Governor was pleased pursuant to the power granted him by her Majesties Instructions to call to this Board Mann Page of the County of Gloucester Esq^r (for supplying the Vacancy occasioned by the death of William Fitzhugh Esq^r late one of her Majesties Council) who having first taken the oaths appointed by Act of Parliament to

be taken instead of the Oaths of allegiance & Supremacy the abjuration oath & Subscribed the Test was according Sworn & admitted one of the Council of this Colony.

At a Council held at Williamsburgh the 26th day of February 1713
[1713/14]

Present

The Honourable Alexander Spotswood her Majesties Lieutenant
Governor &c.

John Smith
John Lewis

William Byrd
William Cocke &
Nathaniel Harrison Esq^{rs}

This day three Deputies from the Tuscaruro Indians dispersed on the Frontiers of this Colony attended the Governor & Council, declaring that upon the Return of their Great men sent hither in December, & their report of what the Governor had then proposed as the Terms of their obtaining a Peace with this Government, the Indians of the late Tuscaruro Towns of Raroucaithee, Kentha, Jounonitz & Taughoagkkee had sent them the s^d Deputies humbly to beg that a peace may be granted them, that they may be admitted Tributaries under the Protection of this Government & have land assigned them for their Settlement as the other Tributarys have; offering to remove themselves to such places as shall be appointed for their habitation, within the Space of Seven Months, & that as soon as a Minister & Schoolmaster shall be settled among them, all their Children shall be put to learn the English Language & be instructed in the principles of the Christian Religion according to the Governors proposal And thereupon the other Terms proposed by the Governor with the advice of the Council for the Settlement of the Sd Indians being communicated & fully explained by the Interpreters were agreed unto by the Sd Deputys And it is ordered that a Treaty be drawn up in forme upon the severall Articles agreed on against Tomorrow morning.

The place of Naval officer of the upper District of James River being now vacant by the Promotion of Nathaniel Harrison Esq^r to be one of the Council, The Governor was pleased with the advice of this Board to constitute & appoint Francis Lightfoot Gen^t Naval officer of the Sd District.

February the 27th 1713 [1713/14]

Present

As Yesterday

Upon consideration of the Title to be given the Chiefs of the Tributary Indians in the Treaties now Transacting with them It is ordered that the Appellations of King or Queen heretofore used in the Treaties with the said Indians, & formerly given by the Inhabitants to the Chiefs of each Nation be from henceforth discontinued; & that

for the future, the s^d Chiefs be Treated only with the same denomination which is given them in their own proper Language. The Teerheer [or chief] of the Nottoway Indians together with severall of the Great men of the s^d Nation this day attending the Governor in Council & agreeing to remove to the Frontiers of this Colony upon the and which the Governor shall assign them, & to be Subject to the Regulations proposed by the Governor for the better security of the s^d Frontiers A new Treaty was thereupon concluded with the Sd Indians.

The Hoonskeys [or Chiefs] of the Saponie & Totero Indians & the Great men Deputed by the Hoonsky of the Occoneechee Indians, & of the Hoonsky incha [formerly called Queen] of the Stukanox Indians, who some years ago Submitted themselves Tributaries to this Government & are now incorporated into one Nation this day attended the Governor in Council, & relinquishing their pretensions to the Lands formerly assigned them consented to remove to the Settlement proposed by the Governor on the head of James River, where they are to continue Tributaries, To allow their Children to be educated in the principles of the Christian Religion, & to submit to the other Regulations proposed for the better security of the Frontiers of this Colony, upon which a Treaty was concluded with the Sd Indians.

The Treaty of Peace with the Tuscaruro Indians being drawn up in forme, & again explained to their Deputies were signed & exchanged in Council.

It is the opinion of this Board, & accordingly ordered that the several Charges arising upon the present Treaty with the Indians be defrayed out of the remaining Summe raised by the General Assembly for the Relief of North Carolina, & allowed by the House of Burgesses to be applyed by the Governor towards the guarding of the Frontiers, the s^d Treaties being intended for that Service

On the application of the Court of Surry Count^t It is ordered that a new Commission of the Peace issue for the said County with the addition of the severall persons recommended by that Court.

Whereas Robert Poythres of the County of Prince George being accused of Supplying the Tuscaruros with Ammunition during the prohibition of Trade with the s^d Indians was this day brought before the Council, & there charged with the said Offence by the oath of Robert Lang It is the opinion of the Council & accordingly ordered that M^r Attorney Generall do prosecute the s^d Pothres at the next General Court for his contempt of the orders of the Government in a matter of such consequence to the Safety of her Majesties Subjects.

At a Council held at the Capitol the first of March 1713 [1713/14]

Present

The Governor

William Byrd
William Cocke

Nathaniel Harrison &
Mann Page Esq^{rs}

The Governor acquainted the Council that by the death of Coll^o Custis the number of the Council now resident in this Colony being

under the number of nine & that Major Berkley who hath her Majesties letter for being admitted of that Board continues irresolute whether he will accept of that Trust as appears by his answer to a letter sent to give him notice of the last Council, Therefore the Governor was pleased for Supplying that vaccancy to the Council Robert Porteous of the County of Glocester Esq^r who having this day taken the oaths appointed by Act of Parliament to be taken instead of the oaths of Allegiance & Supremacy the abjuration oath, the Test & oath of a Councelor, took his place at the Board

Robert Porteous Esq^r Present

Ordered that the Charges for transporting the Stores of War which her Majesty hath been pleased to send for the Service of this Colony from York River to James Town & Williamsburgh & expence for cleaning the Musquets be paid out of her Majesties Revenue of two Shillings per hogshhead &c.

Whereas it hath been judged necessary that the Maherine Indians be incorporated with the Nottoways & the Nansemonds with the Saponies in order to strengthen those Settlements as well as to remove them to places where they may be less lyable to differences with the English Inhabitants & for the greater conveniency of instructing their Children in Christianity by the Missionarys intended at those two Settlements It is referred to Nathaniel Harrison Esq^r to discourse the Great men of those Nations concerning their Removal & make Report of their Resolutions therein to the Governor with the first Conveniency.

At a Council held at the Capitol the 30th of March 1714

Present

The Hon^{ble} the Lieut Governor

James Blair

John Smith

William Byrd

William Cocke

Nathaniel Harrison

Mann Page

Robert Porteus Esq^{rs}

The Governor acquainting the Council that Notwithstanding her Majesties Commands injoining the Lords Proprietors of Carolina to appoint Commissioners for ascertaining (in conjunction with the Commissioners of Virginia) the bounds between the two Governments & prohibiting in the mean time any lands to be taken up within those bounds, The Government of Carolina did still suffer their Surveyors to lay out, & people to settle on the Lands in those parts, That it is Evident how prejudicial to both Countrys this liberty has hitherto proved while abundance of disorderly people going out to settle on Roanoak River have held a constant Trade & Correspondance with the Tuscaruos, & made them less inclined an accommodation with the English while they cannot without it be Supplied with ammunition And therefore proposing as a remedy for the like inconveniencies the running both the lines in dispute & for removing out of the controverted bounds all persons illegally Seated there The Council taking

the same into consideration do unanimously approve of the expedient proposed And it is accordingly Resolved that for the greater care in running the s^d Lines The Government of North Carolina be desired to lay out the Line claimed by her Majesty from the Mouth of Wayanoak now Wiccon's Creek till it intersect Roanoak River, as lying most convenient & less chargeable for that Government, & that the Line claimed by the Proprietors of Carolina beginning from the Mouth of Nottoway River till it also intersect Roanoak River be laid out at the Expence of this Government. That the s^d last mentioned line be run by M^r John Allen Surveyor of the County of Surrey, who is hereby directed to begin thereon at the mouth of Nottoway River on tuesday the 20th of the next month & that notice thereof be given to the President of North Carolina that he may if he thinks fit send some person on the behalf of that Government to see the same duly performed, & that the President be likewise desired to give notice to this Government of the time he intends to run the Line from Wiccons. And it is further Resolved that in case the Government of Carolina do not in six Months run the afores^d Line from Wiccons That then the same be run on the 20th of October at the Charge of this Government, & that all persons seated between the s^d two lines be immediately thereafter removed from thence, & none suffered to settle there untill the determination of the s^d bounds, pursuant to her Majesties Commands in that behalf.

Ordered that the Rangers of Surry County be directed to attend & assist the Surveyor at laying out of the line from Nottoway River to Roanoak.

Whereas it appears by a letter from Captain Robert Hix Commander of the Rangers in Surry County that the Tuscaruro Indians refused to deliver their Hostages according to the late Treaty, giving out that they intend to return into Carolina, having made a peace with Coll^o Pollock and Coll^o Moore; It is therefore the opinion of the Governor & Council that the disposition made at the last Council for the Settlement of the Indians & securing the Frontiers be altered, & that the Saponies with fifteen armed men be settled on Roanoak River. That the Nottoways be settled between Roanoak & James River with twelve men at their Town, & that none of the Tuscaruros be permitted to cross Roanoak River or come upon the Frontiers of this Colony untill the Government shall receive better assurance of their future peaceable behaviour towards her Majesties Subjects. It being Represented to this Board in behalf of the Nottoway Teerheer that there are now at his Town divers of the Tuscaruro Nation, desirous to incorporat with the said Nottoways & prayed that leave may be granted for their continuance there, the consideration thereof is referred till the s^d Teerheer come in to pay his Tribute at the General Court. And it is ordered that the Said Teerheer bring with him the Chief of the said Tuscaruros, & that leave be granted them in the mean time to continue among the Nottoway Indians.

On the motion of William Robertson leave is granted him to take up and patent two thousand acres of land in Essex County, he having made appear to this Board his ability to cultivate the same according to her Majesties Instructions.

At a Council held at the Capitol the 15th day of April 1714

Present

The Honourable the Lieu^t Governor

James Blair
John Smith
John Lewis
William Byrd

William Cocke
Nathaniel Harrison
Mann Page &
Robert Poteus Esq^{rs}

This Board taking into consideration that there is not any immediate occasion for the Meeting of the Assembly, at the time to which it is prorogued, It is therefore ordered that the same be further prorogued to the eighth day of September next, & that a proclamation issue accordingly.

April the 17th 1714

Present

As before

The Caveat entred by Nicholas Merriweather in behalf of Susanna Merriweather Daughter and Devisee of Thomas Merriweather deceased for Stopping a patent sued out by Maurice Smith & Samuel Smith, upon an inquisition for land escheated from Robert Hill of Essex County, being this day heard at the Board & there appearing to be matter of Law therein, the same is referred to be argued before the General Court.

John Broche having petitioned for a Grant of four hundred Acres of Land in the County of King & Queen, taken up by the Petitioners Father, against which George Braxton, & Thomas Pickles having severally entred Caveats. It is ordered that the Parties be heard on their pretensions on the third day of next Generall Court, & that notice be given them thereof accordingly.

On the Petition of Mary Evans widow for Stopping a Patent sued out by Abraham Jacob for land in Accomack County found to Escheat from Priscilla Stephens deceased It is ordered that the parties be heard to make out their pretensions to the s^d Land on the third day of the next Generall Court, & that notice be given them thereof accordingly.

On reading at this Board the petition of Thomas Ayres in behalf of William & Thomas Thorp Orphans of Thomas Thorp late of Essex County deceased, complaining that Harry Beverly has refused to comply with the order of this Board, dated the eighteenth day of April last past, the said Parties being this day heard in Council It is by their consent ordered that a patent for the Land in Controversy be granted to William Robertson in Trust for the said Parties untill the suit between the aforementioned Harry Beverley & John Hawkins, who lays claim to some part of the Same land be determined, & that then the said William Robertson shall by good & Sufficient deeds in Law, convey to each of the said Parties one Moity of the s^d Land, or so much thereof as shall be found remaining, they paying equally all charges that have or shall accrue, upon the Surveying & patenting of the s^d Land.

On the Petion of William Hall for a patent for three thousand acres of Land, as lapsed from George Morris deceased It is ordered that Nathaniel West & William Carr Guardians to William Cradock, who formerly entered a Caveat against the s^d Patent have notice to appear before this Board on the third day of the next General Court to shew cause, if any they have, why a patent should not be granted to the s^d W^m Hall according to the prayer of his Petition.

On the petition of Christopher Smith & William Cockram for Stoping a patent to John Yarebrough, Rich Yareborough & John Higgason for Land in King William County. It is ordered that the parties be heard to make out their pretensions to the Sd Land on the third day of the next General Court, & that notice be given them thereof accordingly.

Whereas it appears to this Board by the petition of Claude Rouvioze (?) & Elizabeth his wife executors of the last will & Testament of Joseph Chermesond deceased, that the sd Testator did purchase of John Roberts one hundred acres of Land, lying in York County, which was found to escheat from Richard Gilbert deceased, but no patent ever granted to the sd Roberts. It is ordered, according to the prayer of the petioners that a patent for the sd Land be granted in the name of the Sd Elizabeth Chermison daughter of the sd Joseph, the paying the Composition & other dues incident thereupon.

April the 20th 1714

Present

The Hon^{ble} the Leiu^t Governor &c.

Robert Carter
James Blair
John Smith
William Byrd

William Cocke
Nathaniel Harrison
Mann Page
Robert Porteus Esq^{rs}

Whereas the Governor was this day pleased to acquaint the Board that for the better enabling the Agents to put in execution the Act for improving the Staple of Tobacco by Supplying them with weights & Scales according to the directions thereof he had writt to M^r Perry to send in eighty pair to be distributed amongst the several Agents, & thereupon desiring the opinion of this Board in what manner the price thereof shall be repaid. It is the opinion of the Council that the severall Agents at the receiving their Commissions shall enter into bond to run the risque of the Sd Scales & weights, & upon the arrival to pay the first Costs & charges in good bills of Exchange to her Majesties Receiver Generall in order to be transmitted to England for discharging the first purchase & other expences arising thereon: And in case any part of the said Quantity of Scales & weights shall be lost such loss shall be proportioned upon the Remainder & paid by the Agents who shall recieve the same.

April the 28th 1714

Present

The Governor &c.

Robert Carter
James Blair
John Smith
John Lewis

William Byrd
William Cocke
Nathaniel Harrison
Mann Page &
Robert Porteus Esq^{rs}

The Governor with the advice of the Council was pleased to nominate the following persons to be Sheriffs of the Severall Countys for the ensuing year Viz

For Henrico.....	John Worsham
Prince George.....	Samson Merideth
Surry.....	Robert Ruffin
Isle of Wight.....	Nathaniel Redly
Nansemond.....	William Butler
Norfolk.....	Jonas Holliday
Princess Anne.....	John Cornick
Charles City.....	Richard Dennis
King William.....	William Smith
King & Queen.....	John Maddison
Essex.....	Leon ^d Taret
Middlesex.....	John Vivian
Glocester.....	Phil: Smith
Stafford.....	George Mason jun ^r
Elizabeth City.....	Francis Ballard
Warwick.....	Francis Jones
James City.....	William Marston
York.....	Thomas Nutting
New Kent.....	Thomas Barber jun ^r
Westmoreland.....	John Sturman
Richmond.....	Charles Barber
Northumbl ^d	William Jones
Lancaster.....	Thomas Lee
Accomack.....	Ed. Robins
Northampton.....	John Powell

The Governor acquainting the Council that sundry Germans to the number of forty two men women & Children who were invited hither by the Baron de Graffinried are now arrived, but that the Said Baron not being here to take care of their Settlement The Governor therefore proposed to settle them above the falls of Rappahannock River to serve as a Barrier to the Inhabitants of that part of the Country against the Incursions of the Indians, & desiring the opinion of the Council whether in consideration of their usefulness for that purpose the Charge of building them a Fort, clearing a road to their Settlement & carrying thither two pieces of Canon & some Ammunition may not properly be defrayed by the publick It is the unanimous opinion

of this Board that the s^d Settlement tending so much to the security of that part of the Frontiers It is reasonable that the expence proposed by the Governor in making thereof should be defrayed at the publick Charge of the Government, & that a quantity of powder & ball be delivered for their use out of her Majesties Magazine. And because the sd Germans arriving so late cannot possibly this year cultivate any ground for their Subsistence much less be able to pay the publick Levies of the Government It is the opinion of this Board that they be put under the denomination of Rangers to exempt them from that Charge. And for the better enabling the sd Germans to Supply by hunting the want of other provisions It is also ordered that all other persons be restrained from hunting on any unpatented Lands near that settlement.

May 1st 1714

Present

The Governor

Robert Carter
James Blair
John Smith
John Lewis

William Byrd
William Cocke
Nathaniel Harrison
Mann Page &
Robert Porteus Esq^{rs}

The following warrants on the Rec^r General to be payed out of her Majesties Revenues were this day Signed by the Governor in Council Viz.

Out of the Revenue of two Shillings per hh^d &c.

To the Hon^{ble} the Lieu^t Governor half a years Sallary ending the 25th of last month One thousand pounds

To the Governor half a years houserent to same time Seventy five pounds

To the Gentlemen of the Council half a years Sallary ending the same time one hundred & Seventy five pounds.

To William Blathwayt Esq^r Aud^r General of America half a years Sallary ending the same time fifty pounds

To Nathaniel Blackestone Esq^r Sollicitor of the Virginia affairs half a years Sallary ending the same time fifty pounds

To the Executrix of Stevens Thompson Esq^r her Majesties late Attorney General deceased half a years Sallary ending the same time Twenty pounds

To M^r William Robertson Clerk of her Majesties Council half a years Sallary ending the same time fifty pounds

To Salathiel Quinney Armourer at Williamsburgh half a years Sallary ending the same time Six pounds—

To Edward Ross Gunner at James City half a years Sallary ending the same time Five pounds.

To M^r Richard Bland for so much paid severall ministers for their attendance one General Court & Assembly Ten pounds.

To M^r Richard Bland for so much paid for several Contingencies this last half year thirty five pounds nine shillings & one penny.

To M^r William Robertson for Charges about the Stores Sent in by her Majesty forty five pounds & Six pence.

And out of the Quittrents

To M^r Commissary Blair half a years Sallary ending as above fifty pounds

To the Execrⁱ^x of Stevens Thompson her Majesties late Attorney General deceased half a years Additional Sallary Thirty pounds.

Philip Ludwell Esq^r Present

A patent to William Rowe for one hundred & Seventy Six acres of land lying in York County lately found to Escheat to her Majesty was this day Signed by the Governor in Council.

This Board having had under consideration the establishing certain Regulations for the better & more frugal Collecting her Majesties Revenue of Quittrents after the Commencement of the late Act of Assembly for improving the Staple of Tobacco have thought fit to delay further proceeding therein untill her Majesty shall be pleased to signify her pleasure whether the declaration of King Charles the second which allows that Revenue to be paid in pieces of eight according to the currency of this Countrey shall be put in practice.

The Governor acquainting the Council that he hath lately discoursed the Tuscaruro Indians who some time ago desired leave to settle at the Nottoway Town, & had also examined the Nottoways as to their willingness to receive them & found the former very desirous to be incorporated, & the latter as willing to accept of such an addition to their people, & to be answerable for their behaviour withal intimating their willingness to remove to the settlement proposed for them at the head of James River, as soon as their Messengers sent to the Senecas shall return; Whereupon the Council are of opinion that the Tuscaruros be allowed to incorporate with the Nottoways; And that both be settled out according to the project agreed upon at the last Council.

On a Representation from the Justices of Prince George County, ordered that a new Commission of the peace issue with the Addition of Robert Bolling & the other persons recommended by that Court.

On the petition of John Powell & Marian his wife for Stopping a patent sued out by Thomas Etheridge for certain Lands found to Escheat from Matthew Nichola late of Norfolk County It is ordered that both parties be heard upon their pretensions to the sd Land on the third day of the next General Court, & that the petitioners give the Said Etheridge notice to attend accordingly.

The Governor having communicated to the Council a Representation from the Justices & Inhabitants of Princess Anne County complaining of the inconveniency of the Storehouses appointed in that County, together with the answer sent to the Said Justices, recommending to them to make their application to the General Assembly for Redress, & in the mean time to hyre such houses as they shall judge convenient for that purpose, the Council are of opinion that nothing further can be done at present in answer to the s^d Complaint.

May the 3^d 1714

Present

The Governor

James Blair
Philip Ludwell

William Byrd &
William Cocke Esq^{rs}

The account of her Majesties Revenue of two Shillings per hog-head &c. for the last year ending the 29th of April being presented & sworn to by William Byrd Esq^r Receiver General was certified by the Governor in the usual forme.

At a Council held at the Capitol the 16th day of June 1714.

Present

The Hon^{ble} the Lieu^t Governor

James Blair
Philip Ludwell
John Smith

John Lewis
Nathaniel Harrison
William Byrd &
Robert Porteus Esq^{rs}

Her Majesties proclamation for publishing the peace Concluded between her Majesty & the most Catholick King of Spain being read, The said peace was proclaimed with the usual Solemnities at the Capitol & pursuant to her Majesties pleasure Signified by the Right Hon^{ble} the Lords Commissioners of Trade, It is ordered that a proclamation issue for publishing the same throughout this Colony.

Several patents for land being prepared on the terms of her Majesties Royal Instructions were this day signed by the Governor in Council.

John Allan Surveyor of the County of Surry having in pursuance of the Resolutions of this Board the 30th of March last run the line from the mouth of Nottoway River till it intersects Roanoak for ascertaining the Northern Limits of the Lands in dispute between this Government & North Carolina, It is ordered that a proclamation issue, allowing the taking up of land as far as the Sd Line, notwithstanding the former prohibition laid on the S^d Lands.

Ordered that there be paid to M^r John Allen in consideration of his Service in running the line of the controverted bounds from the mouth of Nottoway River to Roanoak the summe of fifteen pounds out of her Majesties Revenues

Her Majesty having sent in a new seal for this Colony together with her Royal warrant for using the same, The former seal was pursuant to her Majesties order broke in Council.

At a Council held the 30th day of July 1714.

Present

The Governor

James Blair
Philip Ludwell
John Smith
John Lewis

William Byrd
William Cocke
Nathaniel Harrison &
Robert Porteus Esq^{rs}

Whereas the long & unusual Drought [leads] to just apprehensions of a scarcity of Corne if timely care be not taken to prevent the exporta-

tion thereof It is the unanimous opinion of this Board that a proclamation issue prohibiting the exportation of any Indian Corne, wheat pease or flower or bread made of the same untill further order. And it is further

Ordered that a General Fast be observed throughout this Colony on friday the thirteenth of August to implore the mercy of Almighty God on the fruits of the ground & to prevent those calamities which the unseasonableness of the weather too visibly threatens this Colony with & a proclamation was prepared accordingly

Ordered that the General Assembly be further prorogued till the 16th of November next & that a proclamation be prepared for that purpose.

At a Council held August the 29th 1714

Present

The Governor

James Blair
Philip Ludwell

William Cocke Esq^{rs}

William Keith Esq^r Surveyor General of her Majesties Customs for the Southern precinct of the Continent of America, this day took the oath for the due execution of his s^d office.

At a Council held at the Capitol the 15th day of October 1714.

Present

The Hon^{ble} Alexander Spotswood her Majesties Lieut Governor &c.

James Blair
Philip Ludwell
John Smith

John Lewis
William Cocke &
Robert Porteus Esq^{rs}

On the petition of William Craig, he is appointed Door keeper of the Council Chamber in the Room of Robert Bigner lately deceased.

On reading at this Board the Memorial of John Waller Gent intimating his desire to surrender his Commission for the Agency of that Storehouse in King William County called Queens Storehouse, the Said Surrender was accordingly Received.

Nathaniel Harrison Esq^r Present

The Governor with the advice of the Council was this day pleased to constitute & appoint John Holloway Esq^r Naval officer of the lower District of James River in the Room of Nicholas Curle Gent deceased.

The Governor communicated to the Council the contents of a letter from Coll^o Eden Governor of North Carolina, & another from the Council of the Sd Province, requesting that the Resolution formerly taken by this Board for running the line from Wayanoak or Wicons Creek claimed as a Boundary in behalf of her Majesty between this Colony & that Province may be suspended, untill the S^d Governor & Council of Carolina can receive Instructions from the Lords Proprietors concerning the Bounds in dispute; That the s^d Government of Carolina having at the same time Sent Coll^o William Maule their Surveyor General M^r Daniel Richardson and M^r Edward Mosely as

Commissioners to treat concerning such Suspension, The Governor had thereupon agreed to delay the running of the S^d Line for Six months longer upon the S^d Commissioners of Carolina their Signing an Instrument whereby they promise in behalf of that Government that no land shall be entered for or Surveyed to the Northward of Wayanoak or Wiccons Creek, nor any patents granted for any lands formerly Surveyed within those bounds, untill the final Determination of the S^d Controversy, And the sd instrument being read at the Board, the proceedings of the Governor therein was unanimously approved by the Council.

Mann Page Esq^r Present

The Governor acquainted the Council that pursuant to the Trust reposed in him by the General Assembly he had for the better securing the Frontiers erected a Fort at Christanna on the South side of Maherine River, & laid out a Tract of land on that side for the habitation of the Saponie, Occoneechee, Stukanox & Tottero Indians, & on the opposite Side of the River another Tract for the Nottoways & Maherines who had represented to him the impossibility of their being able to Subsist on the Land intended for them in the fork of James River, by reason of its barrenness, of which he himself had been an eye witness during his late Progress: That for the Security of the Fort of Christanna he had appointed a Captain & twelve men to reside there, who with a proportionable number of the Indians are to performe the Ranging Service between Roanoak River & Appomattox & that part of the Countrey which has been hitherto most exposed to the incursions of the Tuscaruro Indians intirely Secured. And that for the Ease of the Country, he had disbanded the Rangers of Prince George's County & reduced the number of those other Rangers who are continued in pay in other parts of the Frontiers to the number of Six in each Troop.

On the petition of John Allen, setting forth that his Father Arthur Allen proved Rights in Surry County Court for the Importation of fourty one persons into this Colony in the year 1683. according to the Original certificate now produced; That the Sd Arthur Allen foreseeing that the Lands on the South side of Blackwater Swamp would probably in his lifetime be allowed to be patented, did reserve his Sd Rights till that time; That accordingly as soon as the Sd Land was allowed to be patented, the petitioners Father Surveyed a proportionable quantity, but the same hath among divers others been Stopped, patents upon intervening Instructions whereby the Petitioner hath not yet obtained the benefit of those Rights & Representing the great injury it will be to him if the late Regulation concerning the allowance of Rights be extended to the aforesaid Certificate which appears to have been *bona fide* obtained & not yet satisfied, The Governor in Council taking the same into consideration, & finding by Comparison of hands that the Certificate produced attested by William Edwards Clerk of Surry County Court is the Original, & the rights therein mentioned not yet used, is pleased to allow the same, except for the importation of the said Arthur Allen himself & of Seven Negroes, for which no land ought to be Granted.

October the 18th 1714*Present*

The Governor

Robert Carter
James Blair
Philip Ludwell
John Smith

John Lewis
William Byrd
William Cocke
Mann Page &
Robert Porteus Esq^{rs}

On reading at this Board the petition of William Hall of Gloucester County praying that a patent may issue in his name for three thousand acres of land lying in Essex & King & Queen Countys formerly granted him by order of the General Court as lapsed from Coll^o George Morris together with the petition of William Cradock an infant in behalf of himself, John Cave, Jn^o Eckholls & William Glover, who have a patent for part of the Sd Tract & also a bond from the sd William Hall, for conveying the whole to them, upon a consideration whereof one half hath been already paid It is by consent of both parties ordered that one half of the Tract in dispute be granted by patent to the s^d Hall, & that he assign the other half thereof to the s^d William Cradock, John Cave, John Eckholls & William Glover to whom it is also ordered that patents be granted for their respective Shares, upon their paying & refunding to the Executors of Samuell Cradock deceased their proportion of the consideration paid by him in his lifetime for the Sd Land. Christopher Smith & William Cochram having petitioned for Stopping Severall patents Sued out by John & Richard Yareborough & John Higginson for Land in King William County as interfering with a prior Entry made by the Petitioners. Upon hearing the Arguments of both parties It is ordered by the Governor in Council that the Surveyor of King William County do lay out for the petitioner So much of the Land already Surveyed for the Sd John and Richard Yareborough as together with the Land already yielded up to them by Jn^o Higginson shall compleat their quantity of four hundred acres, according to the entry made by them with the Sd Surveyor, which is found to be preferable to the pretentions made by the Sd Yareborough

Thomas Etheridge having obtained a Warrant to enquire of the Escheat of the lands of Matthew Nicholas late of Norfolk County deceased, & the same being found to escheat, John Powell & Mariam his wife having this day made appear to this Board their equitable pretensions to her Majesties favour, as having paid since the decease of the aforsd Nicholas the far greater part of the purchase of the Sd Tract. It is ordered by the Governor in Council that unless the Sd Thomas Etheridge shall appear on the third day of the next Generall Court & make out a better Title, the Sd Land shall be granted to the aforementioned John Powell & Mariam his wife, they paying the Composition & all other Charges arising on the Sd Escheat.

On the petition of Henry Sanders brother of the half blood to Robert Cooper lately deceased It is ordered that a patent for the Land of the Sd Cooper lately found to Escheat to her Majesty be granted to

the petitioner, he paying the Composition & other Charges arising upon the s^d Escheat.

On the petition of William Hall. It is ordered that a patent be granted him for the Land of Owan Caley found to Escheat to her Majesty, he paying the Composition & other Charges arising thereon.

On reading at this Board the petition of John Pleasants Son & Legatee of John Pleasants lately deceased. It is ordered that a patent be prepared in the petitioners name for thirteen hundred & nine acres of Land in Henrico County formerly Surveyed by the petitioners Father, It appearing that the deceased did by his last will & Testament bequeath his right thereof to the petitioner.

October the 19th 1714

Present

The Hon^{ble} the Lieu^t Governor

Robert Carter
James Blair
Philip Ludwell
John Smith

John Lewis
William Byrd
William Cocke
Mann Page &
Robert Porteus Esq^{rs}

The Governor acquainted the Council that last night Captain Green Commander of a Man of Wars Sloop who had been dispatched by the Lords of the Admiralty delivered him a latter from the Right Hon^{ble} the Lord Viscount Bolinbroke, notifying that on the first of August last past it had pleased God to call to his mercy our late most gracious Sovereign Lady Queen Anne; & thereupon his Majesty King George had been proclaimed & the sd letter, together with the proclamation of his Majesty being read, it was resolved by the Governor in Council that pursuant to the directions of their Excellencies the Lords Justices His Majesty King George our present Sovereign be forthwith proclaimed in the most Solemn manner in the Generall Court House, in the Market place of the City of Williamsburgh, & at the College of William & Mary by the Governor & Council assisted with the principall Gentlemen of this Colony who are now extraordinarily assembled in Town on Occasion of the Generall Court. And it is ordered that a Copy of the Lords Justices their proclamation, Requiring all persons being in office of Authority or Government at the decease of the late Queen to proceed in the execution of their respective offices, be affixed at the door of the General Court house.

For the more Solemn proclaiming his present Majesty throughout this Colony It is ordered by the Governor in Council that the forme of the proclamation transmitted hither by the Right Hon^{ble} the Lord Viscount of Bolinbroke with the necessary Variations be sent to the Sheriffs of the severall Counties & that they be, as they are hereby required, with all conveneient Speed after the receipt hereof to call together the Justices of the peace, Militia officers & other principal Inhabitants to meet at the Court houses of their respective Countys, & there according to the Sd Form to proclaim our Sovereign Lord King George with the Solemnities usual on such Occasions

Whereas their Excellencies the Lords Justices have by their proclamation given at the Court at St James's the 5th day of August 1714 in the first year of his Majesties Reign directed & commanded that all persons who at the time of the decease of the late Queen were possessed of any office or employment Civil or Military within the Kingdoms of Great Britain, Ireland &c. or any of his Majesties plantations do take the Respective oaths of their offices & all other oaths required by an Act made in the Sixth year of the Reign of her late Majesty Queen Anne. Entituled an Act for the security of her Majesties person & Government, & of the Succession of the Crown of Great Britain in the Protestant Line. It is ordered that a Copy of the Sd Proclamation be sent to the Sherifs of the Respective Countys to be by them published; & that the Sd Sherifs together with the Justices of the peace & all other persons concerned in the administration of Justice do at the next Court held for the Sd Counties take the Sd Oaths & subscribe the Test according to the directions of the aforesd Act & for that purpose that a *Dedimus* issue out of the Secretarys office for swearing the sd officers accordingly, & that a Copy of the Sd Oaths be sent at the Sd time to each County.

Ordered that the alteration in the Common prayer for the Royal family as directed by their Excellencies the Lords Justices in Council upon the Accession of his Majesty King George to the Crown the first of August last past be observed throughout this Colony; & M^r Commissary Blair is desired to cause the Sd alterations to be transmitted accordingly to the ministers of the Severall Parishes.

This day the Hon^{ble} Alexander Spotswood his Majesties Lieutenant Governor took the oaths to his Majesty appointed by the Act of Parliament to be taken instead of the oaths of Allegiance and Supremacy, the Abjuration Oath mentioned in the 6th year of her late Majesties Reign, Entituled an Act for the security of her Majesties person & Government, & of the Succession of the Crown of Great Britain in the Protestant Line, Subscribed the Test, & took the oaths for the due observation of the Acts of Trade, which were severally Administred to him by Robert Carter, James Blair & John Smith Esq^{rs} three of his Majesties Council.

Robert Carter, James Blair, Philip Ludwell, John Smith, John Lewis, William Byrd, William Cocke, Mann Page & Robert Porteus Esq^{rs} took the Oaths appointed by Act of Parliament to be taken instead of the oaths of Allegiance & Supremacy, the Abjuration oath, Subscribed the Test & took the Oath of the Council of this Colony, the same being administred to them by his Majesties Lieu^t Governor.

William Robertson Clerk of his Majesties Council took the Oaths appointed by Act of Parliament to be taken instead of the Oaths of Allegiance & Supremacy, the Abjuration oath, Subscribed the Test, & took the Oath for the due Administration of his office.

October the 20th 1714

Present

As Yesterday

It is this day ordered by the Governor in Council that M^r Commissary Blair be desired to signify to the several Ministers within this

Colony, that it is expected of them that on the second Sunday next after Such notification they & every of them preach a funeral Sermon in Commemoration of our late gracious Sovereign Queen Anne of which they are to give notice the sunday preceeding, & at which all his Majesties loving Subjects who have a just veneration for the piety & virtue of that excellent Princess are expected to attend.

The Reverend James Blair Commissary to the Lord Bishop of London for the Colony of Virginia having taken the Oaths appointed by Act of Parliament to be taken instead of the Oaths of Allegiance & Supremacy, the Abjuration Oath, & Subscribed the Test, this day took the Oath for the due Execution of the office of Commissary afores^d.

Philip Ludwell, Esq^r Deputy Auditor of his Majesties Revenues, William Byrd Esq^r Receiver Gen^l of his Majesties Revenues & William Cocke Esq^r his Majesties Secretary for this Colony having taken the Oaths appointed by Act of Parliament to be taken instead of the Oaths of Allegiance & Supremacy, the Abjuration Oath, & Subscribed the Test, this day severally took the Oaths for the due Execution for their Respective offices.

October the 26th 1714

Present

The Governor

Robert Carter
James Blair
John Smith
John Lewis

William Byrd
William Cocke
Nathaniel Harrison
Robert Porteus Esq^{rs}

Whereas the number of Scales & Weights expected from England for enabling the Agents to put in Execution the Act for preventing frauds in Tobacco payments &c, are not all arrived but only thirty pair thereof Sent in by the Ship Betty now in James River. It is ordered that the same be distributed to such Agents whose Storehouses are most convenient for the greater number of the Inhabitants in the several Countys as follows Viz.

Henrico.....	To M ^r William Randolph.....	one pair
Charles City.....	To M ^r Litt ^{ry} Epes.....	one pair
Pr. George.....	M ^r Robert Mountfort.....	1 pair
Surry.....	M ^r William Gray.....	1 pair
	M ^r John Summons.....	1 pair
Isle of Wight.....	M ^r Joseph Godwin.....	1 pair
Nansemond.....	M ^r Thomas Godwin.....	1 pair
Norfolk.....	M ^r Samuells Boush.....	1 pair
Princess Anne.....	M ^r Newton.....	1 pair
Eliza: City.....		1 pair
Accomack.....	M ^r Hugh Scarburgh.....	1 pair
	M ^r James Kemp.....	1 pair
Warwick.....	M ^r M. Wells.....	1 pair
York.....	M ^r William Buckner.....	1 pair
W ^{ms} burgh.....		1 pair

Ja: City	Mr H. Soane	1 pair
N: Kent	Mr Thomas Carr	1 pair
King William	Mr Aug ⁿ Moor	1 pair
K. & Queen	Mr James Baylor	1 pair
Glocester	Mr Jn ^o Smith Esq ^r	1 pair
	Hugh Whiting	1 pair
Middlesex	J. Robinson	1 pair
Essex	Ro ^t Beverly	1 pair
	R. Buckner	1 pair
Richmond	William Robinson	1 pair
Stafford	Jn ^o Waugh	1 pair
	H: Fitzhugh	1 pair
Westmoreland	W: Allerton	1 pair
Northumberland	G. Eskrige	1 pair
	R. Neal	1 pair

For preventing the frauds which may be committed by Masters of Ships in taking on Board Tobacco after the 10th day of November which hath not passed the view of the Agents, It is ordered that the Naval officers of the severall districts do forthwith require all Masters of Ships who shall be in their Respective Districts on the Sd 10th day of November to appear before them together with their Mates & Boatswains, & to render a just account upon oath of the quantity of Tobacco then on board their respective Ships & Vessells & also to take the oath prescribed by the Act for preventing frauds in Tobacco payments &c.

November the 1st 1714

Present

The Governor

Robert Carter
James Blair
Philip Ludwell
John Smith

John Lewis
William Byrd
Nathaniel Harrison
Mann Page &
Robert Porteus Esq^{rs}

Ordered that a day of publick thanks giving for his Majesties happy & peaceable accession to the Throne be kept & observed throughout this Colony on thursday the 25th of this present Month, & that the Ministers of the Respective parishes be directed to preach Sermons Suitable to that Solemn Occasion, and that a proclamation issue accordingly.

This Board taking into Consideration how necessary it is that the Clergy of this Dominion should have an opportunity of addressing his Majesty upon his happy Accession to the Throne The Governor with the advice of the Council is therefore pleased to recommend to M^r Commissary Blair to write Circular letters for a generall Convention of the Clergy at Williamsburgh on the first day of next Month

The following Warrants on the Receiver Gen^l to be paid out of his Majesties Revenue were signed by the Governor in Council viz out of the Two shillings per Hogshead &c.

To the Hon^{ble} the Governor half a years Sallary ending the 25th of October one thousand pounds

Philip Ludwell Esq^r presenting to this Board her late Majesties Warrant dated the 25th of March last past for paying out of her Majesties Revenue of Quittrents the summe of two hundred and fifty pound to the Comm^{rs} & others employed in settling the Boundarys between this Colony & Carolina It is the opinion of the Council that the same be paid next after the summe of three thousand pound appointed by her late Majesties former Warrant to be remitted into the Exchequer is first satisfied.

On reading at this Board a petition of Nathaniel Harrison Esq^r setting forth that upon a dispute between the Vestry of Weyanoak parish & Samuell Harwood jun^r concerning a Grant of Pursimon Island It was ordered by this Board that the Sd Samuell Harwood should be preferred to a grant thereof upon his paying to the Church Wardens of that parish the summe of fifteen pounds Current money towards purchasing a Glebe or conveying unto the Vestry for the Same use a Tract of land equivalent to the S^d Island, at the choice of the afores^d Vestry. That the Said Samuell Harwood having refused to comply with either of these conditions, The Vestry upon the application of the petitioner did consent that he should endeavour to obtain a Grant of the same, upon payment of the afores^d Summe of fifteen Pounds; to which the S^d Samuell Harwood hath also consented, all which allegations appearing to this Board to be true, both by the orders of the S^d Vestry of Veyanoak, & by a letter under the hand of the aforesaid Samuell Harwood It is thereupon ordered that a patent be Granted to the S^d Nathaniel Harrison Esq^r for the aforesaid Island he giving bond to the Church Wardens of Wayanoak parish to pay the S^d summe of Fifteen pounds Current money to them to be applyed towards to [the] purchase of a Glebe for the Said parish; But to prevent any misapplication of that money It is ordered that the same remain in the hands of the S^d Nathaniel Harrison untill such Glebe be actually purchased.

November the 4th 1714

Present

The Governor

Robert Carter
James Blair
Philip Ludwell
John Lewis

William Byrd
William Cocke
Mann Page
Robert Porteus Esq^{rs}

M^r Edmond Berkley being called into the Council Chamber the Governor said to him that he look'd upon him to have a place at that Board whenever he would please to take it, & that he could not readily conceive that he had any just Grounds to complain of his excluding him, much less to represent the case in a manner so different from truth as the Governor is informed by a letter from M^r Pople Secretary to the Lords Commissioners for Trade has been done, which letter

has in it these words Viz "It is said ye knew M^r Berkley had the Queens Warrant, and was waiting at the Council door with it before you put in the three new ones, This, I'm sorry to say it, will be look'd on as disrespectful to her Majesty. That it was very demonstrable by the Council Journals that the day of M^r Nathaniel Harrisons being Sworn of the Council was the 27th of January, & the day of M^r Mann Page's admission the 6th of February & that it was also as evident by M^r Berkley's own hand writing (which the Governor now produced in Council) that the first time of his delivering the Queens Warrant for his being of the Council was the 8th of February, & that the occasion of his not being immediately upon receipt thereof admitted was upon M^r Berkley's own desire to be excused from being sworne for some time. That the next Council which was called was on the 26th of February, & M^r Berkley being Summoned to the same came not, but answered the Governor by a letter that he was not yet resolved to be of that Board, except he might take place according to the date of the Queens letter, That this answer of M^r Berkley was at that time laid before the Council, & their Generall opinion was that he could take place at that Board only from the day of his being sworne a member thereof, And finally that after all this had pass'd on the first of March M^r Robert Porteus was sworne of the Council to compleat the number of nine, according to the power granted by the Commission under the Great Seal. And therefore the Governor further added that he had taken this opportunity to recapitulate the several Steps of this Affair, to the end M^r Berkley might here declare whether the same be not truly Stated, & whether the Governor was not always ready to swear him of the Council pursuant to her Majesties commands. Whereupon M^r Berkley acknowledged that the time of his delivering the Queens warrant was as the Governor has mentioned, & that the Governor did at that time offer immediately to call the Gentlemen of the Council together & swear him, but that he then declined it as he has done since, unless he might take place according to the date of the Queens letter, which he still conceives to be his Right. That he had wrote to his Friends in England to obtain a determination of that Right; but that he had never made such a representation as is mentioned in M^r Pople's Letter, nor gave instructions to any other person to make the same in his behalf.

The Governor then said that when M^r Berkley first insisted upon his pretensions to take place according to the date of his warrant, he then told him that the practice of the Council was otherwise, & that for his own part he could not but be still of the same opinion which he believed to be sufficiently grounded upon the precedents appearing on the Council Journals, and thereupon caused the following precedents to be read, whereby it appears that the Lord Culpeper upon a Vaccancy in the Council called to that Board the 23^d of May 1683 Coll^o John Lear, That in the instructions to My Lord Effingham who was appointed Governor in September following M^r Christopher Wormley was named before M^r Lear & that Two other of the Council were also nominated therein after some of a later admission, Upon which those Gentlemen having represented their case to My Lord Effingham The

Council did unanimously join with them in request to his Lordship that he would intercede with the King that they might have their Rank according to the time of their being Sworne, & accordingly it appears by the Council books, that they took post, & particularly that M^r Lear always preceeded M^r Wormley at the Council Board. On the 11th day of June 1695 The then Governor S^r Edmond Andros called to the Council M^r Daniel Park, On the 16th of October M^r Richard Johnson & on the 2^d of March M^r Charles Scarburgh to supply Vaccancies of that Board; & tho' M^r John Lightfoot was nominated by the King on the 11th of September 1695 to be of the Council, Nevertheless it appears by the Council books, that all the three aforementioned took place of him, tho' it no where appears that they ever had the Kings Warrant, & that they were also continued in the same Rank by the Instructions to the Succeeding Governor. On the 15th day of October 1698, the same Governor S^r Edmond Andros called M^r Dudley Diggs to the Council, who being left out of the Instructions to the succeeding Governor was afterwards restored by her late Majesty to the Rank due to him according to this first admission as well before those who were nominated but not sworn before him as those who were appointed thereafter, either by the Royal Warrant or the Governors nomination. And lastly that John Smith & John Lewis Esq^{rs} who were both called to the Council by the Governor, were by her late Majesties express command, readmitted to their places at that Board, preferably M^r Churchill who had been admitted of the Council in the mean time by her Majesties nomination. After reading of which presidents, the Governor first asked M^r Berkley & then the Council whether they knew of any precedents to Support M^r Berkley's pretensions, & they all declaring they knew of none, The Governor then said that he was now ready to swear & admit M^r Berkley of the Council, & asked him, if he would accept thereof To which he answered that unless he might be admitted to take place according to the date of his warrant he did not desire to be of that Board; Whereupon the Governor asked the Council, if they would give their opinion that M^r Berkley ought to preceed the three Gentlemen who were last admitted since it was a matter entirely indifferent to him in what Rank M^r Berkley Voted. But the Council answered that they could not give any such opinion M^r Berkley withdrew. And then the Governor desiring that the Council would for his Vindication declare their knowledge of the Truth of what has been represented in England, in relation to the Swearing of the three late Councillors while M^r Berkley attended at the door The Council did unanimously declare that they never knew or heard that M^r Berkley attended, & was refused admittance, & that the same is a groundless imputation.

Then the Governor acquainted the Council that it had been insinuated in England, as if there were some dissatisfactions between him & the Council upon the account of M^r Berkley, to the interruption of that harmony which had formerly appeared in the Government, & that as he could not call to mind any dispute that had arisen between them on that account, he hoped that the Council would at their next Meeting vindicate both him & themselves.

A Warrant for remitting into the Receipt of his Majesties Exchequer the summe of eight hundred & fifty five pound fifteen Shillings one penny & a farthing being the Ballance of the Quittrents for the year 1714 was pursuant to her late Majesty's Commands this day signed by the Governor in Council.

On Consideration of a Proposal communicated by the Governor for the more regular & exact Collection of his Majestys Quittrents. It is ordered that the Collection of the said Quittrents be put into the hands of the Respective Sheriffs to be accounted & Received by them in the same manner as other publick dues are appointed to be Collected. That five per Cent be allowed the Sheriff for his pains therein. That other five per Cent be allowed to all such persons as shall before the last day of March pay to the S^d Sheriff their Quittrents either in Sterling money or Agents Notes. That the said Sheriffs shall at some time before the 20th day of April attend the Auditor with two fair Copies of the Rent roll of their Counties, wherein shall be contained the names of the persons in possession, the names of the first Patentees, the quantity of Acres held by such Possessor, & the payment made distinguished in different Columns either in money or Tobacco, according to which Rentroll the S^d Sheriffs shall account for & pay to the Receiver General the severall sumes of money or Tobacco by them received. That immediately upon passing the Sheriffs accompts, The Auditor shall attest one of the Copies of the S^d Rentroll, & Transmitt the same to the Clerk of each County Court, with directions to fix it up at the door of the Court house the next succeeding Court day; to the end the concealor of their land may be detected & that those who have duly paid their Quittrents may be satisfied whether the Sheriff hath done them justice in returning a just accompt of the same. That in the Rentroll returned by each Sheriff there shall be also contained an account of the Fines & Forfeitures becoming due to his Majesty within the same County. And it is ordered that a forme of a Rentroll be accordingly prepared & printed together with the directions herein before mentioned, And a Copy of that clause in the lat[e] Act of Assembly which makes three years none payment of the Quittrents a Forfeiture of the Land.

Ordered that the Clerks of the Several County Courts forthwith return to the Secretarys office an Accompt of all Fines & Forfeitures appropriated for the better Support of the Government, which have been laid on any person by judgment of the s^d Respective Courts, since the 20th day of June 1710, with an accompt of so many of the paid Fines & Forfeitures as they know to have been paid. And that for the Future the s^d Clerks do yearly on the month of October deliver to the Sheriffs of their Respective Countys copies of all orders of Court, whereby any person hath been condemned in any fine or forfeiture which by Law is appropriated to his Majesty for the better Support of the Government of this Colony.

The Governor acquainting the Council that during his absence on the Frontiers a French Ship called the Gaillard was drove in hither by stress of Weather. That M^r Keith his Majesties Surveyor Generall being then in the Countrey had upon the Application of the Super

Cargo given him leave to dispose of a Small quantity of the Lading, in order to refitt the S^d Ship & Subsist his Crew: But it appearing since that the Ship is not in a Condition to be repaired, The Governor had proposed to the S^d Super Cargo either to land his goods in some Storehouse at Hampton under a joint Lock with the officers of his Majesties Customs in that Port, untill he could have an opportunity of Shipping them off for France, or to allow him to take freight for the same in any Ship bound to England; but had absolutely refused to allow him the liberty of disposing of any Part of the S^d Cargo here, except such small quantity from time [to time] as should be absolutely necessary for the Subsistence of his Ships Company, & desiring the opinion of the Council if there be anything further necessary on this Occasion. The Council do there upon declare that the precautions already taken are sufficient for preventing any illegall disposition of the sd Cargo, & the offers made to the Super Cargo such as he ought to be satisfied with.

At a Council held at the Capitol the 18th day of November 1714.

Present

The Hon ^{ble} Alexander Spotswood	his Majesties Lieu ^t Governor
James Blair	William Cocke
Philip Ludwell	Nathaniel Harrison
John Lewis	Mann Page
	Robert Porteus Esq ^{rs}

The proceedings of the Council on the 4th instant in relation to M^r Edmund Berkley were read & approved, & ordered that a Copy thereof be delivered to M^r Berkley.

November the 24th 1714

Present

	The Governor
James Blair	William Byrd
Philip Ludwell	William Cocke
John Smith	Nath ^{all} Harrison
John Lewis	Robert Porteus Esq ^{rs}

The Council having prepared a letter to the Right Hon^{ble} the Lords Commissioners for Trade in vindication of the Governor & themselves from the misrepresentations made in England in relation to M^r Berkleys non-admission into the Council, the same was read & signed by the whole Board.

November the 25th 1714.

Present

As Yesterday

It is this day resolved by the Governor & Council, that an humble Address be prepared to congratulate his Majesties happy & peaceable

accession to the Crown & an Address being prepared accordingly was signed by the Governor & Council & is as follows

To the Kings most Excellent Majesty

The humble Address of the Lieu^t Governor & Council of Virginia
Dread Sovereign

We your Majesties Lieu^t Governor & Council of Virginia, being fully Sensible that it is your Majesties undoubted Right to Inherit the duty & Loyalty which we heartily professed to our late most gracious & Pious Queen, of blessed memory; do with all submission & zealous readiness presume now to offer the same Tribute of our hearts to your gracious Acceptance, beseeching your Majesty to regard us as a part of your most Dutiful & Loyal Subjects.

We have already declared, We have solemnly owned before God & the world your Majesty our sole, Rightful & Lawful King: We further cheerfully tender our lives & fortunes to defend your Sacred person & to Support your undoubted Right to the Imperial Crown of Great Britain, against all pretenders whatsoever.

We are proud to say that no part of your Majesties Realms can boast a more universal concurrence in proclaiming your Royal Name: No Discords no Divisions reign here among your Subjects to disquiet your Princely mind: & we dare affirme that Virginia, your first, most ancient Colony, is second to none in ready Submission to your Majestie's Government.

To hear that Jealousies in our Mother Country cease, that her jarring Sons unite at the very name of King George, & that your Majesties accession is peaceable as well as Rightful, has been matter of our private Joy, & publick thanksgiving. Even the first Casar came & saw before he conquered; More may be Recorded of you, Great Sir, who can happily influence the minds of your people before your personal presence. Hence we joy to Welcome a Monarch, a divine Conqueror, who seems in eminent manner design'd by providence to reign in the hearts of Distant Subjects & remoter Colonies.

We humbly implore your Majesties gracious acceptance of these Congratulations upon the Aspicuous beginning of your Reign; wishing that the high Imperial British Crown may to all Succeeding ages be fixed in your Royal House: Our prayers are, our outmost endeavours shall be, that it may sit long, easie & Glorious on your Sacred head.

November the 29th 1714

Present

The Governor

James Blair
Philip Ludwell
William Byrd

William Cocke
Mann Page
Robert Porteus Esq^{rs}

Ordered that M^r Commissary Blair do acquaint the Clergy of this Colony at their Convention on Wednesday next that it is expected of them, that they then take the oaths to his Majesty King George,

or that they Return to M^r Commissary a certificate of their having taken the said Oaths at the Respective County Courts where they inhabite pursuant to the *Dedimus* issued by the Governor for that purpose.

December the 7th 1714

Present

The Governor

Robert Carter
James Blair
Philip Ludwell
John Smith

John Lewis
William Byrd
William Cocke
Nath^l Harrison
Robert Porteus Esq^{rs}

The Governor acquainted the Council that he observed on the Journals of the Assembly that notice was taken of the Committee of the Clergy attending the Council & Burgesses with their thanks for the favour showed by the Assembly to that Body particularly in passing the Act for preventing frauds in Tobacco payments, That he also had received an Address from the whole Body of the Clergy at his own house, & had returned them an answer thereto which Address & answer were read at the Board & are as follow

To The Hon^{ble} Alexander Spotswood His Majesties Lieut Governor of Virginia

May it please your Honour

We the Commissary & Clergy of this Colony having unanimously agreed upon an humble Address to his Majesty upon his accession to the Throne of Great Britain, & another to our Right Reverend Diocesan upon his promotion to the See of London, beg leave likewise before we part to pay our Duty to your Honour, & to acknowledge the many obligations you have laid upon us ever since we had the happiness to be under your Government; That we have all of us quietly enjoyed our livings without being removed or disturbed as in some former times at the pleasure of Vestrys, & that those livings which by the badness of the pay were sunk to little or nothing, begin now to be much more valuable, by your wise & just contrivance to keep up the Credit of the publick payments are such favours as deserve a higher degree of Gratitude, than we can find words to express: but we hope God will reward them seven fold into your Bosom. The great Charge & pains too you have been at in propagating the Christian Faith among the Indians, & in encouraging the Christian education of their Children, are works, which as they will convey your name with Honour to posterity, & will no doubt recommend you to the Favour of a wise & Religious Prince, So they will entitle you to a better Reward at the hands of Almighty God. S^r It is with abundance of Satisfaction (having had so many proofs of your love to the Church, during the past time of your Administration) that we make bold to pray the continuance of your Protection to the Clergy of this Dominion, which for peace & order as well as numerousness makes the best figure of

any in the English Dominions in America. And that your most Vigilant & Auspicious Government may be long & prosperous you may assure yourself of the fervent prayers & diligent endeavours of the Clergy of this Country who do unanimously Subscribe themselves

S^r

Your Hon^{rs}

Most thankfull & most
obedient humble Servants.

To which Address the Governor made the following answer

Gentlemen

I the more rejoice at the Station which God & my Sovereign have placed me in, since I find it affords me an opportunity of being Instrumental in propagating the Religion of our holy Church, & of protecting a Body of men for whom I have a very great Respect & Veneration: & I do assure you that I have not only an affection to you Gentlemen being Clergy of the Church of England, but you shall also find upon all Occasions that I have Resolution too, to exert the utmost of my power to Support you. I heartily thank you for this Address, & shall ever preserve it as a Comfortable Memorial of my Administration being pleasing to the Church.

December the 8th 1714

Present

The Governor

Robert Carter
James Blair
Philip Ludwell
John Smith

John Lewis
William Byrd
William Cocke
Nath^l Harrison
Robert Porteus Esq^{rs}

The Governor this day brought into Council a Scheme prepared by him for the better collecting of his Majesties Quittrents and making up an exact Rentroll of the same, together with severall orders of Government necessary to be Transmitted with the said Scheme, & the said Orders being severally read, & some alterations made therein. The Council are of opinion that the same with the Scheme be transmitted to the Sheriffs for their direction & made publick, which orders are as follow.

Orders of Government for the better collecting the Quittrents.

1st That the High Sheriff (& no Substitute, unless in case of sickness) shall attend & receive the Quitt Rents from the People at the same time & place which his County Court has appointed for the paying their Levys.

2^d That the Sherif shall receive Quitt rents for no other lands than those lying within his County.

3^d That he ought to receive the Quittrents in Sterling money, but for want of that Species if such foreign Coins be tendered as the

Law rates with Mexico he shall accept them at three penny weight & an half for a shilling, if such as the Law rates with Peru, he shall accept them at nineteen penny weight for five shillings; If Tobacco notes, he shall take those of any Agent in the Colony, Provided they be for the same kind of Tobacco which is the usual growth of this Country, & that the Sheriff shall deliver upon Oath the very same notes as he receives for the Quitt rents: & if Bills of Exchange be offered, they must be such as the Sheriff will indorse himself.

4th That the Sheriff shall allow to the People, who pay their Quittrents whether in money, Tobacco, Notes or Bills five p^r Cent for their trouble of bringing them to him, Provided the payment be made before the last day of March, otherwise nothing.

5th That the Receiver Generall shall allow to the Sheriff five per Cent for his trouble of collecting and Accompting.

6th That the Receiver Generall shall allow eight per Cent to those who pay their Quittrents directly to him, Provided also that the payment be made before the last day of March.

7th That the Sheriff shall meet the Auditor & Receiver Generall on Munday the Eleventh day of April at Williamsburgh there to pass, & discharge his Accompts of the Quitt Rents, & he shall bring with him a just Rent roll ready drawn out in a fair manner, according to this Scheme annexed, & likewise an exact Duplicate thereof to both which shall be added an accompt of such Quitt Rents as have been paid directly to the Receiver Generall. And both the one & the other shall be there signed jointly by the Auditor & the Sheriff & one part shall be carried back by the Sheriff & delivered to the Clerk of his County Court.

8th That the Clerk shall take care to fix it up fairly in publick view, during the Sitting of every Court & shall afterwards keep it in his office for any person to have a view thereof.

9th That on the first day of April Generall Court, the Receiver Generall shall deliver upon Oath to the Governor an exact List of all the Agents Notes which he shall have received on account of the Quitt Rents, either from the Sheriffs or paid directly to himself, & shall cause a Duplicate of the s^d List to be Set up in the Generall Court house from the s^d first day till the ninth day at night: And whoever has a mind to purchase any of the Tobacco contained in the s^d Notes, shall make his proposals in writing to the Receiver Generall or Auditor, & the prices offered in such proposals shall from time to time be set down in the List afore mentioned in a Column opposite to the Tobacco offered for, And on the Tenth day of the s^d Generall Court the s^d Tobacco notes shall be transferred to the person or persons who shall be found to be the highest bidder.

A Clause of a law in force.

Provided nevertheless that every Patentee shall be obliged duly to pay the Quittrents, for the s^d Lands, & that upon failure of payment thereof for the Space of three years at any time after the date of his s^d Patent all the Estate Right & Title of such Patentee shall be determined & utterly Void; & the s^d Lands & every part thereof shall

that she had any ways occasioned the death of her Child: And therefore it is the Generall Opinion of this Board that the Governor has power by his Commission to pardon her.

December the 14th 1714

Present

The Governor

Robert Carter
James Blair
Philip Ludwell
John Smith

John Lewis
William Byrd
William Cocke
Mann Page &

Robert Porteus Esq^r

The Accompt of his Majesties Revenues of two Shillings per Hogshead Port duties & head money ending the 25th of October last past was this day presented to the Governor in Council by William Byrd Esq^r his Majesties Receiver Generall who made Oath thereto, & being examined by the Auditor was certified by the Governor in the usual manner.

On reading at this Board the Petition of James Taylor of the County of New Kent praying that a Charter may be Granted him for holding two fairs in a year upon his Land in the s^d County, which lyes on severall of the principal Roads between James River & York, & very convenient for the Inhabitants between the said Rivers. The Governor with the advice of the Council is pleased to order that a Charter be prepared under the Seal of the Colony for granting to the Petitioner the s^d privilege of two yearly fairs in May & October for the terme of Seven years as tending to the advancement of the Trade & Commerce of this Colony.

December the 17th 1714

Present

As before

The Governor this day laying before the Council a letter from the Right Hon^{ble} the Lords Commissioners for Trade dated the 23^d of April 1713 directing him to advise with the Council & to recommend to the Generall Assembly to pass a law for qualifying the Electors & the persons Elected Burgesses to serve in the Generall Assembly of this Colony in a more just & equal manner than the Laws now in force do direct; and the Governor thereupon desiring the advice of the Council whether he shall now recommend that matter to the House of Burgesses The Council declare that they cannot advise the Governor to move for any alteration in the present method of Electing of Burgesses, some being of opinion that this is not a proper time, & others that the present manner of electing of Burgesses & the qualifications of the Elected is sufficiently provided for by the Laws now in force, & suitable to the circumstances of the Country.

December the 23^d 1714

Present

The Governor

James Blair
Philip Ludwell
John Lewis

William Cocke
Mann Page
Robert Porteus Esq^{rs}

Several Patents for land being prepared upon the Conditions mentioned in her late Majesties Instructions were this day signed by the Governor in Council.

The Governor acquainting the Council that the season of the year as well as the Scituation of affairs obliging him to put an end to this Session of Assembly either by prorogation or dissolution, he therefore desired the opinion of the Council upon the Act for continuing Assemblies in case of the death or demise of the King or Queen, whereupon the Council having considered the s^d Act are of opinion that the Generall Assembly is thereby impowered to sit & Act for the Space of six Month^s to be reckoned from the time of their first meeting after such death or demise, And that the present Generall Assembly is not dissolved by that Act till the 16th of May next unless the Governor thinks fit to dissolve them sooner

December the 24th 1714

Present

The Governor

James Blair
John Lewis

William Cocke
Mann Page &
Robert Porteus Esq^{rs}

The Governor communicating to the Council one of his Instructions whereby he is directed to take care that all Laws for the good Government of this Colony be made indefinite & without limitation of time except the same be for a temporary end, & that no such Law be reenacted more than once without his Majesties express consent. That he observed the Council & Burgesses had passed an Act this Session for Security & defence of this Country in times of danger only for the Space of two years, altho' the s^d Law had been revived & once reenacted since his arrival in the Government, & thereupon desiring the advice of the Council whether he ought to pass the same. This Board are of opinion that the Governor ought not to pass the said Act, as being contrary to his Instructions.

Whereas by an Act passed this Session of Assembly Provision is made for building a Magazine for the better preservation of the Powder & Stores of War belonging to his Majesty within this Colony, & a Sallary of twenty pounds per annum settled upon the keeper of such magazine, which Sallary being judged insufficient for the

trouble of changing the said Powder, & taking charge of the Arms, which requires a person of Ability capable of giving Security for the Trust reposed in him, It is the opinion of this Board that for the further encouragement of the person who shall be appointed Keeper of the s^d Magazine the Sallary of ten pounds per annum heretofore paid out of the Revenue of two Shillings per Hogshead to the Gunner & Store Keeper at James City be added to the Sallary allowed by the Assembly to the keeper of the publick Magazine, to commence from the time that the s^d Magazine shall be fitt to lodge the Stores of War in, & the Stores now at James City removed thereto.

On Petition of Alexander Marshal Assignee of Michell Michell It is ordered that a Patent be Granted in the name of the Petitioner for Six hundred & twenty eight acres of Land lying in Henrico County formerly Surveyed for the s^d Michell.

On the Petition of Frederick Jones & Charles Chiswell praying that a Patent may issue in their name for four thousand one hundred & fifty acres of land lying in New Kent County being part of a Tract of Seven thousand acres formerly Surveyed by them in the year 1704, & for which no Patent hath yet issued, & that they may have the benefit of holding the said Land upon the same terms of cultivation as other Land anciently Surveyed are by the late Act of Assembly allowed to be granted. It is accordingly ordered by the Governor in Council that the Surveyor of the s^d County of New Kent do lay off for the Petitioners the aforesaid quantity of land out of the Tract heretofore Surveyed for them; & that a Patent be prepared for the same upon such terms as the Law has prescribed for lands Surveyed before the year 1710.

John Yareborough by his Petition setting forth that on the fifteenth day of February 1710 he entered for four hundred acres of land on the North side of the Reedy Swamp in King William County, which land has since been taken from him by a prior Entry made by Christopher Smith & William Cockram, and praying that he may have the liberty of taking up four hundred acres of Land next after the s^d Smith & Cockram shall have satisfied their Entry. It is accordingly ordered by the Governor in Council that if there be any Land adjoining to the Entry of the said Smith & Cockram not already Surveyed, or not entered for by any other person prior to the Petitioners Entry, the Surveyor of the County of King William do lay out so much thereof as will Satisfy the Petitioners Entry of four hundred acres & that a Patent be granted the Petitioner for the same.

The Petition of George Hunt praying that the Estate of Thomas Haynes of Charles City County a Lunatick may be committed to his care, is referred to M^r Attorney Generall to consider & report his opinion thereon.

On a Representation from the Burgesses of the County of Elizabeth City It is ordered that a new Commission of the Peace issue for the s^d County with the addition of sundry new Justices.

At a Council held at the Capitol the 23^d day of February 1714 [1714/15]

Present

The hon^{ble} Alexander Spotswood his Majesties Lieu^t Governor
James Blair William Byrd
Philip Ludwell William Cocke &
Nath^l Harrison Esq^{rs}

Upon reading at this Board a letter from the Justices of the Peace in the County of Stafford intimating their declining to hold the Court of that County in regard they conceived their Power as Justices to be determined at the expiration of the Six months after the death of her late Majesty; The Council taking into Consideration that tho' the Scruples of the s^d Justices are groundless yet such a proceeding may give occasion to other officers to fall into the same error & considering also that his Majesty hath been pleased by his Royal Proclamation of the 27th of November to continue all officers in the Plantations untill his pleasure be further signified, are of opinion that for avoiding any further interpretation [interruption] in the Course of Justice within this Colony a Proclamation issue notifying his Majesties Royal pleasure for continuing all officers as in the afore mentioned Proclamation is declared.

Whereas upon the apprehensions of the Scarcity of Corne, the exportation of all kinds of Grain was Prohibited by Proclamation dated the 30th of July last, & it being now represented to this Board that those apprehensions are in a great measure removed by the favourable weather this Winter whereby great quantitys of Corne which must otherwise have been employed in Subsisting the Stocks of Cattle are saved, & it also appearing that both Indian Corne & wheat are now as cheap as they used to be in the most plentiful years It is therefore the opinion of this Board that the afores^d prohibition be taken off that wheat, pease, beans & bread or flower made of the same be allowed immediately to be exported, but that such of the Inhabitants as may still be in want of Indian Corne may have reasonable time to furnish themselves therewith, that the exportation of Indian Corne till after the last day of March [be prohibited] & that then there be a full liberty for such exportation And it is ordered that a Proclamation issue accordingly.

Whereas the Generall Aseembly stands prorogued to the 21st of April & there appearing no occasion for their meeting at that time, neither will the intervening space between that & the expiration of the Six months (in which they are impowered by the law of this Country to sitt & act) after the death of our late Sovereign afford sufficient time for business in case there should be occasion for their meeting upon a further prorogation. It is therefore the opinion of this Board & accordingly ordered that for preventing the unnecessary attendance of the Members a Proclamation declaring the Assembly to be dissolved [issue].

The Governor acquainting the Council that he intended Speedily to take a progress to Christanna for finishing the fortifications of that

place & compleating the Settlement of the Indians, and that he expected the Cheifs of the Tuscaruro Nation to meet him there in order to their giving further assurances of their maintaining a firme Peace with this Colony according to the engagements they have made for that purpose to Coll^o Edan Governor of North Carolina, & desiring the advice of the Board whether upon giving such sufficient assurances the trade with them (which has been so long prohibited) ought not to be again opened & allowed. It is thereupon resolved that whenever the Tuscaruros shall give reasonable assurances of their peaceable behaviour a liberty of Trade be allowed as being both beneficial to his Majesties Subjects of this Colony & the best means to perpetuate the friendship of the s^d Indians

W. Cocke Esq^r absent

Whereas the Nation of Indians called the Enoes & others their Confederates have signified their desire of settling with the Saponies at Christanna under the Protection of this Government It is the opinion of this Board that the s^d Indians be received as Tributarys & settled according to their desire the same being likely to prove a considerable addition of strength to that Frontier.

Whereas the Maherine Indians have removed off the lands assigned them by the Articles of Peace in 1677 & settled at the mouth of Maherine River in the bounds now in Controversy between this Colony & Carolina, & by their frequent disobedience to the orders of this Government, have given just cause to suspect their future behaviour. It is therefore the opinion of the Council that the Governor take a suitable time to order the Removal of the s^d Maherine Indians to Christanna, where they may be under the command of the Fort there; & that in case the s^d Indians shall refuse to remove they be compelled thereto by seizing their wives & Children, to be conveyed to Christanna afores^d, & put under the care of the guard there untill such time as the said Indians shall Voluntarily remove themselves to the land which shall be assigned them there.

It is the opinion of this Board that whenever the Nottoway Indians shall remove to the new settlement intended for them near Christanna, & thereupon resign the land formerly settled by Act of Assembly for their habitation & their hunting, the said land be disposed of to the best advantage, for the defraying the Charge of the s^d new settlement.

Whereas by the orders of Government lately published for the better collecting the Quitt Rents, it is directed that the Receiver Generall shall allow eight per cent to such persons as pay their Quitt Rents immediately to him, which a lowance of Eight per Cent aforesaid being difficult to compute in small payments. It is therefore ordered that for the greater ease in making the said Allowance, a twelfth part of the Quitt Rents due be allowed instead of the s^d Eight per Cent, as more readily to be computed, & very little exceeding the said former allowance.

On the Petition of James Burtell of the Town of Hampton in Elizabeth City County Merchant, praying that a Patent may be

granted for securing to him & his Posterity the property of a Wharf lately erected by him, at a considerable expence within the low water mark in Hampton River. The Governor with the advice of the Council is pleased to sign a Patent accordingly for the s^d Wharf containing about half an acre.

At a Council held at the Capitol the 25th of April 1715.

Present

	The Hon ^{ble} the Lieu ^t Governor
Robert Carter	John Smith
James Blair	and
Philip Ludwell	William Cocke Esq ^r

The Governor acquainted the Council that in his late progress to the Frontiers he had settled the Saponie Indians, consisting of about three hundred, at Christanna; That they seem well pleased with their Scituation & very obedient to the Governor & have about 70 Children now ready to be put to School with the Master he hath established there for their education.

That tho' the Nottoway Indians have been formerly averse to remove yet he had taken such measure with them that they had at last yielded to fix themselves at Tommahittons on Nottoway River, & to send their Children pursuant to their Treaty to be educated at Christanna.

That the Enoes & Sara's who sometime ago had made proposals to incorporate with the Saponies have now again repeated their desire of coming under the protection of this Government, & have appointed to come in, in a short time as soon as the Senequa's, with whom they are at war are removed out of their Neighbourhood.

That he had taken occasion at the same time to send for Blunt the King of the Tuscaruroes, with whom he had regulated the bounds of their hunting, to prevent any inconveniences that may happen by their interfering with our Tributary Indians; & that Blunt had likewise promised to be conformable to the late law of this Colony, prohibiting Indians coming without passports to the Plantations of the Inhabitants; And being informed that a number of the Tuscaruros have planted themselves towards the head of Nottoway River, he had dispatched Messengers to inform them of the penalty of coming amongst the Inhabitants without Passports, and of their Trading at any other place than Christanna. And that Blunt had engaged to come to Williamsburgh in September to conclude a Treaty in behalf of his whole nation with this Government & in the mean time that none of them shall give any disturbance to the Inhabitants or Tributarys of this Colony.

The Governor further acquainted the Council that the Senequa Indians having lately signified their inclination to renew their Treaties of Peace with this Government, & its Tributaries by sending him a Belt (as their custom is) & offering to come in with one another upon the return of another Belt from hence, he had judged it expedient

for the better establishing a Peace with that nation to order all the Nation of Indians Tributary to this Government to join in making the s^d Belt, & intended to dispatch it hither by some of the Nottoways & Maherines.

The Governor with the advice of the Council was pleased to nominate & appoint the following persons to be Sherifs of the severall Countys for the ensuing year Viz

Henrico.....	John Worsham
Prince George.....	Samson Meredith
Surry.....	Robert Ruffin
Isle of Wight.....	Thomas Walton x
Nansemond.....	William Butler
Norfolk.....	John Halstead x
Princess Anne.....	Henry Cheepman x
Elizabeth City.....	Simon Hollier
Warwick.....	Francis Jones
York.....	Thomas Nutting
James City.....	W ^m Marston
New Kent.....	Tho ^s Barber jun ^r
Cha: City.....	Rich ^d Dennis
King W ^m	W ^m Smith
King & Queen.....	Tho ^s Maddison
Glocester.....	David Alexander
Middlesex.....	Geo: Worsham x
Essex.....	Leonard Tarent
Stafford.....	James Jameson
Richmond.....	Charles Barber
Westmorel ^d	Benj ^a Berryman x
Northumberl ^d	William Jones x
Lancaster.....	Tho ^s Lee
Accomack.....	Edward Robins
Northampton.....	John Powell x

On the Petition of John Powell & Merian his wife for a grant of the Land of Nicholas deceased found to Escheat, & by a former order directed to be granted to the Petitioners in case Thomas Etheridge, the other Petitioner should not make out a more equitable pretension thereto The s^d Thomas Etheridge not insisting upon any equity he hath, but only claiming his necessary charges in suing out the s^d Escheat, the former order of this Board, for granting the Land afores^d to the s^d John Powell & his wife is hereby confirmed, they paying the Composition due to his Majesty, & also refunding to the said Thomas Etheridge the Summe of Eight pounds & one penny Current money & nine hundred & ten pounds of Tobacco, expended by him for prosecuting the s^d Escheat & produce Receipts for the same before the next October Generall Court or otherwise that a Grant of the s^d land be made to the said Etheridge.

On reading at this Board the severall Petitions of Richard Buckner & the Assigns of Larkin Chew, & of James Taylor & John Baylor for a grant of certain Lands lying upon the Branches of Rappa-

hannock & Mattapony Rivers first Surveyed by the s^d Buckner & Chew, & part thereof thereafter entered for & Surveyed by the s^d Taylor & Baylor; And on hearing the pretensions of the s^d Parties, the Governor with the advice of the Council is pleased to order as it is hereby ordered that fifteen hundred acres of the s^d Tract of land contiguous to the Patented land of John Baylor be Granted to the s^d John Baylor & James Taylor & laid off at their Charge; & that the Remainder be Granted to the s^d Richard Buckner & the Assigns of Larkin Chew, as having the most equitable claim thereto.

At a Council held at Williamsburgh the 26th of May 1715

Present

The Governor

James Blair
Philip Ludwell
John Smith
John Lewis

William Cocke
Nath^l Harrison
Mann Page
Robert Porteus Esq^{rs}

The Governor having laid before the Council a letter which he received yesterday by an Express from Coll^o Cravin Governor of South Carolina dated from Charles Town the 12th of this month, the same was read at the Board, Representing the unhappy circumstances into which that Province is lately fallen by the unexpected defection of their Indians & a General Combination of all the Savage Nations round them to extirpate his Majesties Subjects, That they have of a sudden broke out into open hostility barbarously murdering many of the Inhabitants & destroying their habitations, & thereupon earnestly desiring that a speedy Supply of Arms & ammunition from hence to enable the people of that Province to defend themselves the better against the numerous Nations of Indians by which they are attacked. This Board taking into Consideration the deplorable State of his Majesties Subjects of the s^d Province, & the fatal consequences which may ensue to all his Majesties Dominions on this Continent if the Indians should be able to over run South Carolina are unanimously of opinion that it is absolutely necessary for his Majesties Service the [that] such a Supply of Arms & ammunition as the Condition of this Colony can Spare be dispatched thither with all speed. That for furnishing such arms as are most fit for Service the musquetts now in the Governors hall being a hundred & Sixty in number, & in very good order be sent to South Carolina. That since there is too much reason to apprehend from the General Confederacy of so many Indian Nations this Colony is in danger of being also invaded in which event the ammunition in his Majesties Magazine will be wanted for our own defence & that the same ought not to be lessened without sending for a like quantity It is ordered that the directors of the Virginia Indian Company be forthwith desired to meet, to whom it is recommended to take out of his Majesties magazine the ammunition necessary for the immediat relief of South Carolina or their resque, & according to the directions of the Act

of Assembly by which the Land Companys constituted to return the like quantity into the said Magazine by the first conveniency that so this Colony may not be unprovided for its necessary defence. And for the more quick dispatch of the said severall stores of War it is the opinion of this Board that his Majesties Ship Valeser now in Maryland cannot be more usefully employed than in this Service & that the Governor give order for the Speedy repair of that Ship hither & to engage the commander thereof to undertake so necessary an expedition.

And whereas this Board are informed that the Fortifications now in Charlestown are out of repair; & that being the only place of defence to which the Inhabitants are most likely to retire for their Security. It is the opinion of this Board that the Governor of Maryland, New York & New England be exhorted to send with all speed, his Majesties Ships of War attending those Stations, to Charlestown as well to animate the people as to be assisting in the defence of the place when the same shall be put into a tenable Condition: And because it is probable that great part of the open Country must be deserted, & that the Inhabitants Crowding to Charlestown, may not only occasion a scarcity of provisions, but which is frequent in hot Countrys, pestilenteal diseases, in case the place should be blockt up It is resolved that the Government of South Carolina be invited to send hither their women & Children, & such other persons as are useless in the War, whereupon a reasonable notice given, all due care will be taken for their accommodation & for the security of such effects as they shall think fitt to bring with them.

Whereas it is advised from Carolina that the Southern Indians now in War with that Province did under pretence of going to war with the Senequa's & other Northern Nations which they now employ against his Majesties Subjects: And there being also certain information that there has been for some time past a more than ordinary Intercourse between the s^d Southern & Northern Indians, by which it may reasonably be suspected they are all in the same Combination. It is therefore thought necessary that these advices be communicated to the Governors of his Majesties Northern Plantations & more especially to the Governor of New York, that he may have a watchfull eye upon the Senequa's, & others of the five Nations, lest under the like pretence of making war with the Southern Indians they should act the same Treacherous part with his Majesties Subjects in those Plantations.

For the better defence of the two Frontier Settlements of Christanna & Germanna, It is ordered that their small pieces of Canon be sent to the former, & a Supply of Ammunition to the latter, & that the Canon already there, be forthwith mounted:

Whereas the Nottoway Indians have given just cause to suspect evil intentions towards his Majesties Subjects, by their continual disobedience to the Orders of this Government, & their refusing to comply with their Treaties & engagements; The Governor with the advice of the Council hath thought fit to order as it is hereby ordered that the s^d Nation of Indians & every of them be forthwith disarmed

& Coll^o Nathaniel Harrison is hereby impowered to put the same in execution in such manner as he shall judge most proper & effectual, & to lodge the Arms of the s^d Indians where he shall judge the same most secure, taking with him for that purpose such a number of the Militia under his Command as he shall find necessary. And for preventing the desertion of the s^d Indians, & their joining the Nations now in War with South Carolina. It is ordered that publick Notice be given to the s^d Indians by the Interpreter that if any of them shall be found off the land assigned them by the Government without a Passport under the hand of Coll^o Harrison, who is hereby impowered to grant the same, except only in their going & returning to & from their Land on the South Side Nottoway River, Every person so found shall be taken up & convey'd Prisoner to Williamsburgh, there to be disposed of either by Transportation or otherwise as the Governor with the advice of the Council shall think fit. And for the encouragement of the Neighbouring Inhabitants to apprehend such of the s^d Indians as shall be found off their Land contrary to this order the Governor with the advice afores^d doth hereby promise a reward of twenty Shillings for every Indian so taken up & delivered to the keeper of the Goal at Williamsburgh, of which Coll^o Harrison is hereby impowered & desired to give notice.

June the 15th 1715

Present

The Governor

James Blair
Philip Ludwell
John Smith

John Lewis
William Cocke
Nath^l Harrison &
Robert Porteus Esq^{rs}

The Accompt of his Majesties Revenue of Quitt Rents for the year 1714, was this day presented in Council by Nathaniel Harrison Esq^r Deputy Receiver Generall, who made Oath thereto, & being examined by the Auditor was certified by the Governor in the usual manner.

A Warrant for paying out of his Majesties Revenue of two Shillings per hogshead &c. the Summe of Thirty Eight pounds Seven Shillings & Six Pence to M^r William Robertson for sundry expressees & other Contingent Charges the last half year, was this day signed by the Governor in Council.

Whereas it has been Customary heretofore for all Patents for land, to be signed only in Council; which custom appearing inconvenient, in regard many persons may have occasion to make use of their Patents before a Council can be called for the signing thereof; And it being also unnecessary that Patents which are prepared in the usual forme, upon Legal Rights should be delayed for that Solemnity. It is the opinion of this Board that all Patents for new Land, where the Governor shall be satisfied of the legality of the Rights, be signed by the Governor at any time within the intervalls of Councils.

Upon the application of the Governor of North Carolina for a Supply of Ammunition, of which he is in great want for the defence of that Province. It is ordered that a Supply be accordingly furnished out of his Majesties Magazine, & that the Virginia Indian Company have the disposal thereof, on their returning a like quantity into the Magazine.

Whereas the Governor of North Carolina hath made application that some course may be taken in this Government, for preventing the Inhabitants of that Province, deserting the same in this time of danger, as severall of them are now preparing to do, upon the apprehension of an Indian War. It is ordered that a Proclamation issue, requiring all Magistrates & officers in the Counties bordering upon North Carolina, to take up all Inhabitants of that Province, who shall be found travelling into this Colony, without a Passport under the hand of the Governor or of some Magistrate within the Province, & to send such persons back from Constable to Constable, till they be delivered to some officer in that Government.

For the better Subsistance of such Forces as shall be thought necessary to be drawn together for the security of the Frontiers, in case any attempt should be made thereon by the Southern Indians. It is ordered that two thousand weight of Bisquet be forthwith sent to Christanna, & lodged there, for the use aforesaid.

At a Council held at Williamsburgh June the 20th 1715

Present

The Governor

James Blair
Philip Ludwell
John Smith

William Cocke
Nath^l Harrison
Robert Porteus Esq^r

Upon reading at this Board a letter from the Governor & Council of South Carolina dated the Sixth Instant, and sent by Arthur Middleton Esq^r their Agent representing their great distress in which that Province now is, & their inability to defend themselves long against the numerous Nations of Indians now Confederated against them, without speedy Succours: and desiring an immediate assistance of men from hence, upon such terms as shall be agreed on by the s^d M^r Middleton on their behalf. This Board taking the same into Consideration, do unanimously Resolve that an Assistance of men be forthwith sent to the Relief of that Province, That the s^d Assistance be the number of three hundred men, if so many can be got to go Voluntarily into that Service, & M^r Middleton being thereupon called into the Council, & heard what he had to offer in behalf of that Government, touching the encouragements proposed to be given to such men as shall list themselves, made the following proposalls, which were agreed unto by the Governor & Council Viz.

That for the better encouragement of the men to list themselves in this Service the Government of South Carolina shall engage & he is ready to enter into Articles in their behalf with this Government

to pay unto each private Centinell the summe of thirty Shillings per month Carolina money for which payment the Government of Virginia shall become security to the men upon their Return, or to the Executors or Administrators of such as shall die in the said Service.

That over & above the s^d pay the Government of Carolina shall send to Virginia, as many working Slaves as shall be equal in number to the men sent from hence, & the said Slaves shall if desired be put to work on the Plantations & for the benefit of such men as shall go in this Service; & moreover that the increase of such women Slaves as shall be sent shall remain to the persons in whose possession they are, without making any allowance for such Service or increase.

That the s^d Slaves so sent shall remain in Virginia, under the direction of the Governor & Council, untill the debts contracted by the Government of Carolina for the pay & other Charges of the forces sent from hence be fully satisfied.

That the Government of South Carolina shall over & above the pay & other benefits afores^d, provide & allow to the said Forces sufficient provision of Victualls, during their continuance in the s^d Service, & shall also be at the expence of exporting the said Forces from hence & returning them back hither.

That the s^d Government of South Carolina shall next fall deliver to each Souldier a Duffel Coat, two Shirts, one pair of Stokings & one pair of Shoes: but because it may be difficult to make such provision & Cloathing as is necessary in South Carolina. It is agreed that the said cloathing shall be furnished by the Government of Virginia, & delivered at Charlestown; the s^d Government of Carolina standing engaged to repay the same, at the rate of thirty Shillings Virginia money for each Suit besides the Charge of Transportation.

That the s^d Government of Carolina shall be obliged at the determination of the war, or sooner, if the Government of Virginia shall require, to return all the men sent from hence, or so many as shall be left alive; and then M^r Middleton being withdrawn

This Board taking into Consideration the great expence the Government of South Carolina must be under their present pressures, for the pay & Subsistance of the Forces necessary for their defence on this occasion have resolved

That the Government will defray the Charge of provisions for the forces raised here, untill they arrive in South Carolina. That the said Charge be advanced out of his Majesties Revenue of two Shillings per hogshead but for as much as the said Revenue is much in debt, the Governor & Council do unanimously agree to postpone their own Sallarys rather than the said Service should suffer & it is further Resolved that it be recommended to the Generall Assembly to refund the said Charge as a Charitable contribution towards the Relief of our distressed fellow Subjects.

Ordered that the Levies for the Service of South Carolina be made in the Inland Counties, where they may be best Spared, as being more remote from the danger of an invasion from the Indians & that if any Masters of white Servants will allow such Servants to list in the Service, such Masters shall be entitled to the same pay & advantages as are herein beforementioned.

Ordered that it be provided for in the Articles to be made with the Government of Carolina. That no more money shall be advanced to any of the Souldiers sent on this Expedition, before they return hither, than the respective summes Subjoined to their severall names in the Muster Roll sent from hence to the end the Creditors of such of them as are in debt here may be secured out of their pay. And that an exact Muster Roll be kept of the said men, of the summs of money paid to them in Carolina, & the time of the death of any of the s^d men, that the Remainder of the pay due to them may be duly accounted for to their Executors or Administrators, & that the s^d Muster Rolls and Accompts be attested by the Commanding officers of the s^d Force, & so transmitted hither to the Governor of this Dominion for the time being.

This Board taking into Consideration that a detachment of the Indians Tributary to this Government may be of Service to the Province of S^o Carolina in their present War, & that by drawing off for that Service the young men of the Nottoway & Maherine Nations, those Indians will be less able to put in Execution any ill designs they may have against his Majesties Subjects here. It is accordingly ordered that Coll^o Harrison do demand of the Nottoways twenty of their Young men & ten of the Maherines to be ready when required to go with the detachment intended from hence for the assistance of S^o Carolina, & that he cause their arms to be forthwith brought to his house, & lodged there; untill the Indians shall receive orders for their March; & for the encouragement of the Indians to Serve in this Expedition that he let them know they shall be furnished with Cloaths & Provisions, that upon their return each man shall receive a Reward of two Blanketts & flapps, that they shall have the benefit of what Plunder they can take in the War, & if any of their Guns be lost or made unserviceable, the same shall be repaired at the expence of this Government And it is further ordered that in case the Nottoway Indians shall readily comply with what is hereby required of them, the former order for disarming them be suspended.

For the better providing for the defence of the Countrey in this time of danger It is the opinion of this Board that an Assembly be forthwith called; And accordingly ordered that Writts issue for electing the Members of the House of Burgesses to meet at Williamsburgh the 3^d day of August next.

Whereas Sundry of the Inhabitants of S^o Carolina whose Plantations have been destroyed by the Indians are desirous to withdraw their Slaves & to transport them hither, as to a place of safety untill the event of the War with that Province. This Board being desirous to favour as much as lies in their power those persons whose misfortunes oblige them to take Sanctuary in this Colony, have thought fit to order as it is hereby ordered that the payment of the duties for all Slaves imported here from S^o Carolina, during the present War, be suspended, untill the meeting of the Generall Assembly that further directions be given therein. And the Collectors of the s^d duty are not to demand the same, unless such Slaves shall either actually be sold here, or that the owners thereof do settle themselves & their s^d Slaves in this Countrey.

At a Council held at Yorktown the 18th of July 1715

Present

The Governor

John Smith

William Cocke

John Lewis

Mann Page

Robert Porteus Esq^r^s

The Contract or Treaty made between this Government & the Province of South Carolina for the Forces to be raised here, for the Assistance of that Province pursuant to the Resolutions of the last Council, was this day laid before & read at the Board, & ordered to be entred in the Council Books.

The Governor acquainted the Council that in pursuance of the Contract entered into with the Government of South Carolina, he had on the 5th of this month, embarked a hundred & eighteen men for the Assistance of that Province; And that there being about forty more listed since who are impatient to be sent thither, & also a hundred Musquetts come from New York, which he was desirous to forward to Carolina for the compleat arming of the Virginia forces, he had thought fit to Treat about the hyring of a Sloop for the Transportation of the s^d Men & Arms, & desired the opinion of the Council therein. It is accordingly Resolved that a Vessell be hyred, & the s^d men & arms dispatched to Carolina, as soon as may be, for the further relief & assistance of that Province.

Upon reading at this Board a letter from the Council of South Carolina, dated the 22^d of last moneth, together with an Affidavit of one Henry Atherton lately a Prisoner among the Indians, wherein the s^d Atherton deposeth that he was informed by a Negoe belonging to one of the Carolina Traders, & now joined with the Indians, that one Wilson & one Wilkinson, Virginia Indian Traders had stirred up the Catabaw Indians to make War upon the people of South Carolina, & that the s^d Wilson & another white man were gone to Virginia with twenty horse load of Skins and thirty Indians to purchase Powder & Shott, & that the s^d Council of Carolina desired the s^d Skins might be stoped as belonging to Merchants in Charlestown, for whom the s^d Wilson was Factor; The Governor thereupon acquainted the Council that since the Receipt of that letter, one Francis Wilson who seems to be the person meant in the Affidavit, together with one John Clayborne were come into this Colony, & had brought with them Six horse load of Skins, & four of the Sara Indians: & pursuant to his orders both the s^d Whitemen & the Indians who came with them were sent from Christanna under a guard to Williamsburgh on Saturday last. That he had strictly examined both, & taken their examinations in writing which were now laid before the Board & read. Whereupon the Council taking the whole matter into consideration are unanimously of opinion that altho' it appears by the Examinations of the s^d Wilson & Clayborne that the Skins imported by them were given them by the Catabaw Indians in recompence for the Cloaths of which they had been Stripp'd at the time of their being made

Prisoners by the Indians; Nevertheless that the s^d Skins be secured untill notice be given to the Government of Carolina, & reasonable time allowed for making out their Claim to the same, & as to the other part of the Accusation of the said Wilson's being concerned in stirring up the Catabaw Indians to cutt off the people of South Carolina, the proof thereof being only by heresay from a Renegado Negro, who is now actually engaged with the Indians against his Majesties Subjects. And that it appears by the Examinations both of the s^d Wilson & Clayborne that neither of them were used so as if they had been in Confederacy with the Indians. The Council do not find any cause to committ or prosecute the s^d Wilson upon that accusation.

The Governor communicating to the Council the proposals made by the King of the Saraw Indians who came to Williamsburgh on Saturday night Viz That if he may be assured of a Peace & a free Trade with this Government, he is desirous to remove his Nation nearer to Virginia, & that he is also impowered by the Chiefman of the Catabaw Indians to desire the like liberty of Trade for them upon which the s^d Indians will engage to cease all further Hostilities against the people of South Carolina. And for the better establishing a Peace as well with this Government as with the Government of Carolina, he doth promise to bring to Williamsburgh as soon as possible, some of the great men both of the Catabaw & Chirokee Indians to treat upon the Terms of the s^d Peace, And if the same be agreed upon, that the s^d Catabaw's & Chirokees, will join with the Government of South Carolina in cutting off the Yamasees & others their Enemies. The Council are unanimously of opinion that the offers made by the s^d Saraw King be accepted as the most probable way of putting an end to the war & restoring the Tranquillity of his Majesties Subjects of South Carolina, & that it is for his Majesties Service that the Governor do use his Endeavours by the means of the s^d Saraw King to bring those Nations of Indians to a Treaty, & for that purpose that a Passport be sent them under the Seal of the Colony for their safe going & returning. And for the encouragement of the s^d Saraw King, It is ordered that he be presented with a Strow'd water blankett & flapp, & that one Blankett a piece be given to each of the three Saraw Indians who accompanied him hither.

At a Council held at the Capitol the 5th day of August 1715

Present

The Hon ^{ble} Alexander Spotswood his Majesties Lieu ^t Governor	
Robert Carter	John Lewis
James Blair	William Cocke
Philip Ludwell	Nath ^l Harrison
John Smith	Mann Page &
	Robert Porteus Esq ^{rs}

Whereas it appears to this Board that the Nottoway Indians instigated by some evil disposed persons, have sent a Petition to the House of Burgesses, highly reflecting upon the Justice & honour of

this Government demanding the repealing of the Laws made for the better Rule of the Indians and preserving the Peace of the Colony, & to be freed from certain engagements to which they are bound by their Treaties for preventing the ill consequence which may be occasioned by suffering the Indians to be possessed with a Notion that there is a Power in this Dominion to which they may apply Superiour to that of the Governor & Council It is ordered that the Interpreter forth with bring before this Board the Teer-heer of the Nottoway Indians commonly called William Edmunds together with the Indians commonly known by the name of Coll^o Hill, Frank, Robin; James, John, Tom, John and Frank jun^r to answer to such matters as shall be laid to their Charge in relation to the Subject matter of the s^d Petition & the nonperformance of their Treaties.

August the 10th 1715

Present

The Governor

James Blair
Philip Ludwell
John Smith
John Lewis

William Cocke
Nathaniel Harrison
Mann Page &
Robert Porteus Esq^{rs}

The Nottoway Indians appearing this day before the Governor in Council were asked whether they would comply with their Treaty by sending twelve of their boys to be educated at the School at Christanna and removing themselves to the land Assigned them at Tommahitions, & they obstinately refusing to do either It is the opinion of the Council & accordingly ordered that the great men of the s^d Nation who are now in Town be forthwith put in Irons during the Governors pleasure; and untill this Board shall consider of further measures for obliging the s^d Indians to perform their Treaties. And

Whereas the s^d Indians have upon their examination declared that John Simons of the County of Surry was the person who advised & persuaded them to Petition the House of Burgesses & brought the Petition to them to Sign It is ordered that the s^d Simons be sent for to attend this Board to answer his offence in seditiously stirring up the s^d Indians against the established Laws of this Colony.

The Great men of the Nottoway Indians being again called before the Board & asked if they had received any injury from any person in this Government made answer that they had no Complaint to make against any person whatsoever.

August the 12th 1715

Present

As before

On reading at this Board a Petition of John Scott's of the County of Surry complaining that one Nathaniel Tatum hath entertained a Tuscaruro Indian named Tony who has been suspected of poisoning

divers Indians & hath lately threatned to poyson some of his Majesties Subjects It is ordered that the Sheriff of Surry County forthwith take the s^d Tuscaruro Indian into his custody & cause him to be conveyed to the Great men of the Maherine Indians either to be punished by them according to their Laws for his poysoning one of that Nation or to be by them delivered up to his own Nation to be dealt with as they shall think fitt And it is ordered that the s^d Tatum pay the Charge of conveying the s^d Indian to the Maherine Town, or else that he be prosecuted upon the late Act of Assembly for entertaining the s^d Indian without a Passport.

August the 13th 1715

Present

The Governor

James Blair
Philip Ludwell
John Lewis
William Cocke

Nathaniel Harrison
Mann Page &
Robert Porteus Esq^{rs}

Upon the Submission of the Great men of the Nottoway Indians & their promise of future obedience to the Government & particularly of their sending twelve boys to the Saponie Town before next Generall Court, they were ordered to be Released.

August the 15th 1715

Present

The Governor

Robert Carter
James Blair
Philip Ludwell

John Smith
William Cocke
Robert Porteus Esq^{rs}

John Simons of the County of Surry appearing before thi^s Board to answer the Charge against him for his Seditious practic^es with the Nottoway Indians, acknowledged that the Indians only desired him to draw a Petition for them to the Governor for having a School at their own Town & a Store of goods settled there for their conveniency, but that he afterwards drew up the heads of the Petition now presented to the House of Burgesses, & gave them to M^r Edward Goodrich who put them into forme & directed them to the House of Burgesses & having returned the same to the s^d Simons he got it transcribed in another hand & the Indians signed at the Caire of Claims in that County Whereupon it is ordered that the s^d Simons be dismissed his attendance for the present upon his promise to transmitt to the Governor the Original Petition drawn up by the s^d Goodrich.

August the 24th 1715

Present

The Governor

Robert Carter
James Blair
Philip Ludwell
John Smith

John Lewis
W^m Cocke
N^th^l Harrison
Mann Page &

Robert Porteus Esq^{rs}

Whereas this Board are informed that Contrary to the plain directions of the Act of Assembly made in the year 1680 Entitled an Act for Presentation of Grievances Severall Seditious & Scandalous papers have been framed, & signed & the people called together in a riotous manner to sign the same And the said papers not presented in Court as the Laws direct have nevertheless been Certified to this Generall Assembly as the Generall Grievances of the Freeholders & Inhabitants of the Countys where the same were signed altho' only Subscribed by a few obscure persons, For preventing the like evil practices for the future it is ordered by the Governor with the advice of the Council that a Proclamation issue enforcing the laws relating to the Signing presenting & Certifying Grievances to the Generall Assembly & a Proclamation was prepared accordingly.

September the 6th 1715

Present

James Blair
John Smith
John Lewis

William Cocke
Mann Page &
Robert Porteus Esq^{rs}

Whereas the Act for preventing frauds in Tobacco payments & for the better improving the Staple of Tobacco cannot have it's desired effect, unless care be taken to restrain the indirect practices of some of the persons entrusted with the execution thereof, & to establish one certain Rule for the more effectual prevention of all frauds & unjust delays in tobacco payments. It is therefore Resolved & accordingly ordered by the Governor with the advice & consent of the Council that the following Rules be observed by the severall Agents within this Dominion under the penalty of loss of their respective offices. Viz

That no Agent shall by himself or any other person for his use purchase or any way bargain for any Tobacco whatsoever brought or to be brought to his Storehouse, untill such Tobacco shall have been viewed & passed, & a note given for the same to the owner according to the directions of the Act for preventing frauds in Tobacco payments &c.

That no Agent shall Ship any Transfer tobacco whatsoever on his own account from the Storehouse whereof he is Agent, untill he hath in the presence of some of the Creditors or other indifferent

persons made out a true account of the numbers of all the hogsheads of transferre tobacco in such Storehouse, & delivered the same to some Justice to be by him cutt into seperat Ticketts & put into a box or bag, & there well mixed; And the Agent without being permitted to see the Numbers of such Ticketts shall then draw out as many as shall be equal to the number of hogsheads or quantity of Tobacco due to him; And the hogsheads which shall be numbered with the same numbers with the Tickets drawn, to be immediatly marked for the Agent, in satisfaction of severall of the Transfer Notes he hath purchased And no Agent shall alter or change the tobacco so marked.

Every Agent shall duly Satisfy & pay all the Notes he hath given for Transfer tobacco, whenever the same shall be demanded.

When any Tobacco shall be refused by the Agent, & afterwards passed by view the Agent shall Stamp the hogshead or Cask with the word [VIEWED] just under the Stamp & shall also in the note given for such Tobacco (which note shall only contain the hogshead or Cask viewed & no other) insert the word [VIEWED] in Capital Letters, just above his name, to the end the person to whom such note may be offered for Sale may know that the said Tobacco is not passed according to the judgements of the Agent.

Every Agent shall keep Books of Accompts of all tobacco received into his Storehouse as well Crop as transfer tobacco & of the several notes delivered for the same. And also of the marks, number, Species & Weight of every hogshead or Cask delivered out for Shipping with the owners names, & the name of the Ship or vessell upon which the same is intended to be freighted, & shall at some convenient time before the departure of such Ship or Vessell, transmitt to the Naval officer of the District an Invoice of all the Tobacco taken from his Storehouse to be put on board such Ship, which Invoice shall also contain the marks, numbers, weights & freighters names of each hogshead or Cask.

And for preventing the inconveniencies which may be occasioned by some Agents passing tobacco at a rate less than is allowed by Law in order to draw to themselves great quantities of Tobacco which otherwise would have been carried to other Storehouses; by which means divers of the Storehouses now appointed for the conveniency of the people, must necessarily fall, for want of sufficient Encouragement to the Agents to keep up the same. It is ordered that no Agent shall pass any Tobacco brought from a place nearer to another Storehouse than his own, or cross any of the Great Rivers or Bay for less than the fee allowed by Law; Neither shall any Agent fetch any Tobacco to his Storehouse for less than it might be carried by persons making water-Carriage their business.

And for preventing any exactions for Storeage the Agents are to understand the meaning of the Law to be That for all tobacco brought into their Storehouses between the tenth day of November & the last day of May no Storage shall be demanded untill the s^d Tobacco has lyen in the Storehouse three months after the last of May & then to pay one Shilling per hogshead & Six pence per hogs-

head for every month after the s^d three months And for all Tobacco brought into a Storehouse between the last of May & tenth of November no Storage is to be demanded untill the s^d Tobacco hath lyen in such Storehouse the full Space of three months & then only to pay as afores^d one Shilling per hogshead & Six pence per hogshead for every month thereafter.

This Board taking into consideration the disrespectfull behaviour of severall Members of the House of Burgesses towards his Majesties Lieu^t Governor; in their Resolve of the Second Instant, are unanimously of opinion that such Members of that House as concurred in the s^d Resolve have thereby offered an high Indignity to his Majesty & that the expressions therein are so Scurrilous & inbecoming the Respect due to his Majesties Representative, that what persons soever that presume to justify or declare their approbation of the s^d ignominious Resolves are unfit to serve his Majesty in any office of trust or profit within this Government

Whereas divers persons take upon themselves to practice as Attorneys in the Courts of this Colony without being qualified with a sufficient knowledge in the Laws nor having that Integrity which is requisit for such an Employment, & by their evil practices amongst the ignorant & illiterate people, many unnecessary Suits & controversies are moved & carryed on, to the great vexation of his Majesties good Subjects. And it appearing also to this Board that sundry of the s^d pretended Attorneys, in order to persuade the Vulgar into an opinion of their Capacity as well to direct the State in making new laws as to Interpret the old, suitable to the humours of those who have the folly to confide in them have taken upon them to frame Scandalous & Seditious papers under the Title of Grievances to this Assembly; & by their insinuations procured thereto the Subscriptions of diverse unwary people. For prevention therefore of the further ill consequences which such practices may occasion to the publick Peace of the Government & the Interests & Estates of his Majesties Subjects. It is the opinion of the Council & accordingly ordered that from & after the publication hereof no person be permitted to practice as an Attorney in any Court within this Colony except such as shall be approved by the Governor & Council & the Justices of the Respective County Courts are to take notice hereof & to cause the same to be duly observed.

At a Council held at the Capitol the 18th day of October 1715

Present

The Governor

Robert Carter
James Blair
Philip Ludwell
John Smith

John Lewis
W^m Cocke
Mann Page Esq^{rs}

The King of the Saraw Indians accompanied with one of the Great men of the Catabaw Nation having upon the Governors safe

Conduct coming to this Colony in order to treat of a Peace with this & the Neighbouring Governments this day came before the Governor in Council & Colonel George Evans & Captain Robert Fenwicke Commissioners from the Government of South Carolina being present the said Indians were asked severall questions touching what they had to propose to which they made answer that their Intention was to desire a Peace with this Government & a liberty of Trade declaring that all the Catabaw's & other neighbouring Indians are very willing to lay down their Arms & to give no further disturbance to any of the English Plantations, & being asked by the Carolina Commissioners what induced them to join the Yamasees & Appolatchees in the War against South Carolina they answered that they were informed by a Woman belonging to the Weesock Town who had been Prisoner in South Carolina, that the people of that Province had killed a great many of their Indians & they were also threatned by the Yamasees that unless they joined them they the said Yamasees would cut off their Nation as soon as they had destroyed the White People; and then put themselves under the protection of the Spaniards: but that now both the Saraws & Catabaws are willing to make a Peace with Carolina seeing they cannot live without the assistance of the English and being asked why the Chief man of the Catabas did not come in hither and why they did not bring with them the two Negro Slaves Pope & Pompey belonging to South Carolina according to what had been promised when they were last here they answered that the Chief man of that Nation was sick & unable to travel and the Negro Pope was carried away to the Saraws Town and as for the other they were ready to deliver him up to any English man that should come to demand him they being very desirous to see some of the Inhabitants of Virginia among them whom they could trust whereupon the Governor with the advice of the Council was pleased to tell the said Indians that he could not enter into any Treaty unless the Great men of each Town of the Catabaw Nation & their Confederates particularly the Cherokees do come in and consent to what shall be proposed neither are the said Indians to expect any Supplys of Arms or Ammunition from hence untill such a Peace be concluded that they may therefore return w^t this answer to the Respective Nations and let them also know that while they forbear giving any disturbance to the people of South Carolina this Government will not molest them, and likewise that whenever they shall give reasonable satisfaction for the Injurys they have done to South Carolina and such assurances as may be relyed on of their future peaceable behaviour towards his Maj^{ties} Subjects of these Plantations the same freedom of Trade shall be allowed them as before the breaking out of this War.

And then the said Indians desiring they may be admitted to purchase Coats, Shirts and other necessarys with the Skins they have now brought with them, by consent of the Commissioners of South Carolina, their request is granted, provided that under pretence thereof no person shall presume to furnish the said Indians with any arms or Ammunition whatsoever the same being hereby strictly prohibited.

At a Council held at the Capitol the 25th day of October 1715

Present

The Governor

Robert Carter
James Blair
Philip Ludwell

John Smith
John Lewis
William Cocke

Mann Page Esq^{rs}

Coll^o George Evans & Robert Fenwick Esq^{rs} Agents from the Government of South Carolina this day attended the Governor in Council, & delivered the Copy of an Act of Assembly of that Province constituting them Agents for Negotiating certain affairs in the behalf of that Government; & after having in the name of the Governor, Council and Assembly of that Province returned their thankful acknowledgments to the Governor & Council of Virginia for the Seasonable assistance sent from hence to the Relief of that Province, opened the Substance of the Commission they are entrusted with. Whereupon the Governor was pleased to acquaint the s^d Agents that tho' the Copy of the Act now produced by which they are authorized to treat with this Government is not under the Seal of that Province, nor hath any other proper Attestation, yet he would pass over that defect of Forme: & whenever the s^d Agents should to prevent all mistakes, reduce their proposals into writing, he would with the advice of this Board return them a particular answer. And after acquainting the said Agents with the severall particulars in which the Government of Carolina have broke through the late Treaty concluded with the Government by their Agent M^r Middleton, the s^d Agents withdrew.

The Governor communicating to the Council the Scruples of some justices of the Peace, relating to the Levying the pay of the Burgesses for their late Session of Assembly, in regard they cannot find any Law empowering them to lay such a Levy, & desiring the opinion of the Council on the Queries he had drawn up on that Subject. The Council desired to be excused because that matter being like to come before them as Judges of the Generall Court it would be improper for them to give any previous opinion thereon. But the Governor & Council having thought fitt to hear the opinion of the Attorney Generall, he was called in, & declared that he had carefully perused the severall Laws of this Colony & could not find that the County Courts are impowered or directed by any Law to lay a Levy upon the Inhabitants for y^e paym^t of the Burgesses allowances.

October the 26th 1715

Present

The Governor

Robert Carter
James Blair
Philip Ludwell

John Smith
John Lewis
Mann Page Esq^{rs}

Whereas William Bridger Gent^t being appointed an Agent for putting in execution the Act for preventing frauds in Tobacco pay-

ments &c. hath since his being in that Employment signed a Grievance to the late Generall Assembly complaining of that Law, & desiring the repeal thereof. It is the opinion of this Board that the s^d William Bridger nor any other person who hath in so publick a manner declared his dissatisfaction with that Law is fit to be entrusted with the Execution thereof. And that unless the s^d William Bridger shall justify that the name Subscribed to the s^d Grivance is not his hand Writing, he be removed from his office of Agent.

On hearing this day in Council the severall pretensions of John Hollowell & Henry Bowles of Norfolk County for a Grant of a certain Tract of land in the s^d County lately found to Escheat from one Captain William Tucker. It appearing to this Board that the s^d Land after it was granted to the s^d Captain Tucker, was sold by his Attorney, & a new Patent granted by the Crown to one Jones the purchaser in the year 1665, under whom the s^d Henry Bowles now Claims. It is therefore the opinion of this Board that the Right of the s^d Land was not vested in the Crown at the time the s^d Inquisition of Escheat was found And therefore ordered that no Patent issue to the s^d Hollowell on the s^d Inquisition.

On reading at this Board the severall Petitions of James Alderson & Robert Brooke jun^r, & of Robert Payne, William Thomson & Christopher Whitmore for a Tract of land found to Escheat from one John Walker of the County of Essex deceased the Governor with the Advice of the Council is pleased to order as it is hereby ordered that in consideration of the s^d Robert Payne's being under age at the time the s^d Land was discovered to Escheat; the same be granted to him as having been in possession thereof, tho' upon a defective Title, he paying to the s^d James Alderson & Robert Brooke for their trouble in prosecuting the s^d Escheat; together with all Charges already expended by them or that shall accrue thereon: And forasmuch as the Guardian of the s^d Payne did lease part of the s^d Land to William Thomson & Christopher Whitmore. It is ordered that the s^d Payne shall before he have a Patent Confirme to the s^d Thompson & Whitmore the s^d Respective leases for the terme of years yet unexpired.

William Sandiford Son & heir of John Sandiford late of the County of Middlesex, complaining that William Aylett had refused to comply with the Order of this Board for laying off the land formerly in dispute between the Petitioners Father & him. It is ordered that unless the s^d Aylett shall at his proper Charge lay off the five hundred acres of land Assigned him by the Order of this Board before the third day of the next Generall Court, that then the Grant formerly made him of the same be void.

John Broche Son of John Broche late of the County of King & Queen deceased having petitioned for a Grant of four hundred & twenty acres of land in the s^d County, taken up & Surveyed by his father, but not yet patented. Against which Mary Broche widow of the deceased & Thomas Pickles & Jane his Wife in behalf of themselves & other Legatees of the s^d John, & also Hezekiah Haynes & George Braxton as pretending a right to the s^d Land did severally enter Caveats. On hearing this day in Council the Arguments of the

severall parties It is the opinion of this Board that Mary Broche widow of the s^d John hath the most equitable pretension to a Grant of the land in dispute; And accordingly ordered that a Patent for the same be Granted her, upon her making appear that she hath given bond to secure to the severall Devisees of her deceased husband their respective proportions of the said Land according to his last Will; they paying their proportionable Share of the expence of suing out the s^d Patent.

On the Petition of William Thornton, complaining that Augustine Smith refuses to satisfy unto the Petitioner the expences allowed him by this Board in relation to the Land of John Bouzee late of Essex County found to revert to the Crown. It is ordered that unless the s^d Augustine Smith do before the third day of next Generall Court fully Satisfy & pay the Accompt of the Charges of the s^d William Thornton according as it hath been regulated by the Clerk of the General Court, pursuant to the order of this Board, that then the land aforesaid be Granted to the s^d William Thornton, & the s^d Smith excluded from any benefit thereof.

November the 1st 1715

Present

The Governor

James Blair
Philip Ludwell

John Smith
John Lewis &
Mann Page Esq^{rs}

For the better & more speedy determination of the dispute concerning the Boundaries between this Colony and North Carolina; It is the opinion of this Board that it be proposed to the Governor of North Carolina to agree that from the mouth of Corrattuck River or Inlett, & setting the Compass on the North Shore thereof, a due West line be run and fairly mark'd & if it happens to cutt Chowan River between the mouths of Nottoway River & Wiccon Creek, then the Same direct Course shall be continued towards the mountains, & be ever deemed the dividing Line between Virginia and Carolina; But if the s^d West Line cutts Chowan River to the Southward of Wiccon, then from that point of Intersection, the bounds shall be continued up the middle of Chowan River to the entrance of the S^d Creek, & from thence a due West Line shall divide the two Governments; as on the other hand, if the S^d West line cutts Blackwater River to the Northward of Nottoway, the bounds shall be continued down the middle of Blackwater to the middle of the Entrance of Nottoway River, & from thence the line to run due West for the dividing bounds between the two Governments. That if the s^d due West Line shall pass through Islands or small Slips of land which might more conveniently be included in the one Province or the other by natural water bounds The Commissioners of both sides shall have power to settle natural bounds, & that all such Variations from the West line be particularly noted in the Maps of the s^d bounds to be put upon the Records of both Governments.

Whereas by the Information of the Saraw King as well as by other Circumstances, it appears that the Indians now in War with the Province of South Carolina depend upon the Spaniards at St Augustine for Supplys of Arms & Ammunition, It is the opinion of this Board that it is for his Majestie's Service that a letter be forthwith dispatched to the Governor of St Augustine Representing that his permitting any of the s^d Indian enemies to be supplied with Stores of War from thence, or affording them any other Countenance or protection is expressly contrary to the first Article of the last Treaty of Peace between the Crowns of Great Britain & Spain, & therefore demanding the observation of the s^d Treaty, & that for the more safe & Speedy conveyance of the s^d letter & adding the greater authority thereto, His Majestie's Ship Shoreham attending this Government be dispatched therewith.

On reading at this Board a memorial presented by the Commissioners of S^o Carolina, together with a Scheme or Project of Peace delivered in by the s^d Commissioners, on which they desire this Government to Treat with the severall nations of Indians now in War with S^o Carolina; the Council came to severall Resolutions thereupon which were Ordered to be drawn up in forme against the next meeting of the Board.

Whereas the Government of South Carolina hath failed to comply with the severall Articles of the late agreement made with this Government, & particularly with that of sending a number of Slaves equal to the white men sent from hence to their Assistance, and there being also Grievous complaints from the forces sent from hence of their being disappointed of the Advantages promised them from that Government both in their pay and otherwise; It is therefore ordered that the severall Slaves belonging to the Inhabitants of South Carolina now in this Colony be not permitted to be exported from hence untill the Government hath notice & further order given therein.

It being represented to this Board that some Masters of Ships demand an abatement of ten per cent as well on the duties of Tonnage & head money as on the two Shillings per hogshead, although there be neither the same reason for the one as the other, nor any directions therein by the law of this Colony. It is therefore ordered that no such abatement be made on the s^d Dutys of Tonnage & head money, & that the Collectors of the same do take care therein accordingly.

November the 4th 1715

Present

The Governor

Robert Carter
James Blair
Philip Ludwell

John Lewis
William Cocke
Mann Page Esq^{rs}

The answer to the Memorial of the Carolina Commissioners was this day read at the Board & approved, and ordered to be entered together with the said Memorial on the Council Books.

On reading at this Board a Memorial of William Keith Esq^r Surveyor Generall of his Majesty's Customs in the Southern District of America, Representing that the Governor & Council of South Carolina, have in his absence taken upon themselves to Subvert the whole establishment of his Majesties Customs in that Province, contrary to the Acts of Trade & the known Rules of Government by turning out Robert Brooke Esq^r the Collector appointed by the s^d William Keith, & Substituting another person in his Room; & therefore praying that measures may be taken to Support the Authority of the Custom house officers; It is ordered that Notice be given to the severall Custom house officers within this Colony, that they take care that all Vessells trading from Charlestown, do produce proper Clearances from the s^d Robert Brook, as Collector of that Port.

On reading at this Board a Petition of Nathaniel West setting forth that since the Order obtained by him as Guardian to William Craddock he hath understood that Samuel Craddock, father of the s^d William only paid part of the Purchase of the s^d Land, & that his intention was to convey the s^d Land to Richard Philips upon repayment of what he had expended, & Submitting to the consideration of this Board, whether a Patent shall be granted for the s^d Land to the s^d William Craddock or Richard Philips; The Governor with the advice of the Council doth hereby order that the s^d land be granted by Patent to Nathaniel West, he giving bond to convey the same to Richard Philips whenever the s^d Philips or his Guardian shall pay to William Craddock what shall appear to have been expended by his Father as part of the purchase thereof.

At a Council held at the Capitol the 7th day of December 1715

Present

The Hon ^{ble} Alexander Spotswood	His Majesties Lieu ^t Governor &c
Robert Carter	William Bassett
James Blair	William Cocke
Philip Ludwell	Nathaniel Harrison
John Smith	Mann Page &
John Lewis	Edmund Berkeley Esq ^{rs}

A Commission under his Majesties Royal Signet & Sign Manual constituting & appointing the Honourable Alexander Spotswood His Majestys Lieutenant Governor of this Colony & Dominion in case of the death or absence of the Right Honourable George Earle of Orkney His Majestys Lieutenant & Governor Generall &c. was read; & thereupon the said Lieutenant Governor took the Oaths appointed by Act of Parliament to be taken instead of the Oaths of Allegiance & Supremacy, the Abjuration Oath appointed to be taken by an Act of Parliament made in the Sixth year of the Reign of her late Majesty Queen Anne, made & Subscribed the declaration or Test, & took the Oath for the due Observation of the Acts of Trade, which Oaths & Test were administred by Robert Carter, James Blair & Philip Ludwell Esq^{rs} three of his Majestys Council.

Then the Governor administred to Robert Carter, James Blair, Philip Ludwell, John Smith, Jn^o Lewis, William Bassett, William Cocke, Nathaniel Harrison, Mann Page & Edmund Berkley Esq^{rs} the Oaths appointed by Act of Parliament to be taken instead of the Oaths of Allegiance & Supremacy; the Abjuration Oath appointed to be taken by an Act of Parliament made in the Sixth year of her late Majestys Reign, the Test & Oath of their office as the Council of this his Majestys Colony.

A Commission under the Great Seal of Great Britain constituting William Cocke Esq^r Secretary of his Majesties Colony was read, & thereupon the s^d William Cocke having taken the Oaths appointed to be taken instead of the Oaths of Allegiance & Supremacy, the Abjuration oath, & made & Subscribed the Test, took the Oath for the due execution of his office as Secretary.

William Robertson Clerk of his Majestys Council took the Oaths appointed by Act of Parliament to be taken instead of the Oaths of Allegiance & Supremacy, the Abjuration Oath, Subscribed the Test, & took the usual Oath as Clerk of his Majestys Council.

Whereas it was directed that the Negroes belonging to Captain Robert Fenwick & others Inhabitants of South Carolina now in this Colony should be detained till further order, to the end this Government might have some security for the performance of the Engagements it has entred into for the Service of South Carolina. Upon the application of the s^d Robert Fenwick, & his promising as a publick Agent from S^o Carolina to use his interest & endeavours to induce that Government duly to perform their Engagements It is the opinion of the Council that the Restraint on the s^d Negroes be taken off; And forasmuch as the Governor hath engaged his word to the men listed here that the conditions & advantages Stipulated on the part of the Government of S^o Carolina should be duly performed to them, the Council do declare that whatever failure shall happen, the Government [Governor] shall not be charged therewith in his private Capacity, his engaging himself being for the Service of the Government & by the Advice of this Board: and that the Government alone is chargeable therewith.

On reading at this Board a Letter from Cap^t Thomas Howard Commander of his Majestys Ship Shoreham representing that in order to the better enabling him to perform the Service required of him in carrying this Governm^{ts} dispatches to S^t Augustine, it is necessary he be Supplied with a Pilot from hence at the publick Charge: It is accordingly ordered that the s^d Captain Howard be desired to furnish himself with a Pilot, & that the Charge thereof be paid out of his Majesty's Revenue of two Shillings per hogshead.

On the Petition of the Virginia Indian Company, leave is granted them to take up & Patent a Tract of Land not exceeding two thousand acres on Nottoway River, this Board being satisfied of their ability to cultivate the same.

On the Petition of William Robertson in behalf of himself & others his partners leave is granted him to take up & Patent five thousand acres of Land on Maherine River, this Board being satisfied of his ability to cultivate the same.

December the 8th 1715*Present*

The Governor

Robert Carter
James Blair
Philip Ludwell
John LewisW^m Bassett
William Cocke
Nath^l Harrison
Mann Page
Edmund Berkeley Esq^{rs}

The Governor acquainting the Council that for avoiding any mistakes in entring up the Orders of Council, he would direct the Journals of the preceeding Council to be laid before them at their next meeting, & when he had notice that the Council had perused the s^d Journals he would then come to the Council Chamber in order to enter upon new business. It is accordingly ordered that the same be a standing rule hereafter in compliance with his Majestys Instructions.

Upon consideration of the Style & forme of Commissions of the Peace & others issued in this Government, and comparing the same with the severall powers in the Commission to the Governor It is the opinion of this Board that the forms of the s^d severall Commissions be altered, so as to adapt them to the authority & directions by which they are Granted, & that therefore in all Commissions as well of the Peace as others for any place or office of Trust, which are usually granted by the G^overnor, the form be as follows viz After the Governors name & Title insert [By virtue of the power & authority to me given as Commander in Chief of this His Majestys Colony & Dominion] I do with the advice & consent of the Council (where the consent of the Council is required by his Majestys Instructions) hereby Assign [or constitute or appoint] You &c. & so proceeding according to the Substance of the Respective Commissioners as they have been heretofore granted out & that the s^d forms be continued hereafter till further order.

Ordered that a Proclamation issue continuing all Officers civil & Military in the execution of their Respective places till further order.

Ordered that a power be inserted in the *Dedimus* to the Justices of the Respective County Courts to administer to all officers hereafter appointed within their respective Countys the Oaths appointed by the Act of Parliament to be taken instead of the Oaths of Allegiance & Supremacy, the Abjuration Oath mentioned in the Act of the 6th year of her late Majesty Queen Anne, the Test & the Oath for the due execution of their severall Offices.

For the better moddling the militia of this Colony, & bringing them under a more regular Discipline, the Governor was pleased to appoint the following persons to be Lieutenants of the severall Countys

Viz

For the County of York.....	Edmund Jenings Esq ^r
Lancaster	}Robert Carter Esq ^r
Northumberl ^d	

James City	}Philip Ludwell Esq ^r
Isle of Wight		
Glocester.....		John Smith Esq ^r
King & Queen.....		John Lewis Esq ^r
Henrico &	}William Byrd Esq ^r
Charles City		
New Kent	}William Bassett Esq ^r
King W ^m		
Warwick &	}William Cocke Esq ^r
Eliz ^a City...		
Surry and	}Nathaniel Harrison Esq ^r
Prince George		
Essex.....		Mann Page Esq ^r
Middlesex.....		Edmund Berkley Esq ^r
Stafford.....		George Mason
Richmond.....		William Robinson
Westmorland.....		Willoughby Allerton
Nansemond.....		Thomas Jordan
Norfolk.....		Samuel Boush
Princess Anne.....		Edward Mosely
Northampton.....		William Waters
Accomack.....		Tully Robinson

Whereas at a Council held the 6th day of September last past it was directed that no person should be suffered to practice as an Attorney in any Court within this Colony, except such as should be approved by the Governor and Council & it being judged necessary in order to obtain such approbation that this Board be satisfied of the ability of the persons who make application for the same. It is therefore resolved that the persons desiring to practice as Attorneys shall 1st make appear to the satisfaction of this Board, that they have such a reasonable knowledge in the Laws of England and of this Colony as is requisite for such a practice. 2^d That they give proof of their affection to his Majestys person & Government by taking the severall Oaths enjoined by Law. 3^{dly} That they be such as behave themselves respectfully to the Government here, & decently to the Courts where they have used to practice & produce Testimonials from the said Courts where they live; & for the further regulating the Qualifications of the s^d Attorneys It is referred to M^r Attorney Generall, John Holloway & Robert Beverley Gen^t or any two of them to prepare a Scheme of such Rules as they judge necessary to be observed as well in examining the ability as in regulating the practice of the persons to be admitted Attorneys agreeable to the Rules & customs of England as near as the Circumstances of this Countrey will admitt, & that they also prepare the forme of an oath to be taken by such Attorneys & report their opinion therein as soon as conveniently they can.

The Governor laying before this Board one of His Majestys Instructions directing him to take care that fair Books of Accompts be kept of the Receipts & payments of all his Majestys Revenues, & thereupon objecting against the present method of keeping the

s^d Accompts, as not answering fully the intent of the s^d Instruction in regard that only the gross Sums are entered in one generall Accompt & the particular accompts of the Receivers of the severall branches of the Revenue only kept in loose papers, & the Auditor & Receiver Generall affirming that the s^d Accompts are kept as they have been constantly heretofore, & according to their Instructions from the Aud^r Generall of the Plantations The Governor was pleased to direct that the Auditor & Receiver Generall do lay before him a scheme of the method in which the Accompts are now kept with their objections against complying with the Regulation he proposes. To which he will make his answer & Submitt the whole to the determination of the Lords Commissioners of the Treasury of Great Britain.

A Patent to Coll^o Nathaniel Harrison for land in Charles City County was signed by the Governor in Council.

At a Council held at the Capitol y^e 22^d of Feb^y 1715 [1715/16]

Present

The Hon ^{ble} Alex ^{er} Spotswood	his Maj ^{ty} s Lieu ^t Governor
Edmund Jenings	W ^m Cocke
Phil Ludwell	Nath ^l Harrison &
W ^m Bassett	Mann Page Esq ^{rs}

Edmund Jenings Esq^r being nominated one of His Maj^{ty}s Council of this Colony took y^e Oaths appointed by Act of Parliam^t to be taken instead of y^e Oaths of Allegiance and Supremacy the Abjuration Oaths appointed in the Act of Parliament made in the Sixth year of her late Maj^{ty} Queen Anne made and Subscribed the Declaration or Test and took the Oath of a Councillor the said Oaths being administred to him by the Governor.

The Governor acquainting the Council that the King of the Saraw Indians together with some of the great men of the Cattawbaw Indians, Sugar, Quianway & Weesock Indians came hither on Monday last upon the Faith of a Passport he had sent them Last Octo^r in order to Treat of a Peace but that they had not observ'd the Terms enjoined them in the said Passport which were that their whole number coming in here should not exceed fourty men and that they should bring in and deliver up two Slaves and a white Serv^t belonging to South Carolina who had taken arms with the Indians ag^t the People of that Province that nevertheless he thought fit to hear them in Council upon what they had to offer and accordingly the said Indians were called in and being first ask'd why they brought into this Colony a greater number of men than was allowed by their Passport they answered that they had war with the Senequas & knew their Partys were on the way to Intercept them and therefore durst not venture out with a less number, that they had been actually attacked on this Journey by a Party of the Senequas and had lost three of their men in the Engagem^t and being also asked why they did not bring in the two Slaves and White Servant afores^d they assur'd that y^e two Slaves are at the Sugaree Town and the White Servant at the Wees-

cocks but that it was not told them that the said Slaves and Servants were Demanded of them otherwise they should have brought them but since they knew it to be the orders of this Gov^t they will bring in the said three Persons with all Speed after they return from hence then the said Indians were ask'd what they had to propose to this Governm^t to which they made answer that they were sent by their several Nations to desire a Peace with the English and a Trade with this Colony as formerly That since their first orders were sent them from hence by the Saraw King they have given no disturbance to the People of South Carolina and are very desirous to renew a Friendship with them and all the English and being ask'd what Security they would give that they will hereafter live in Peace and whether they will give Hostages to be kept at the Fort of Christanna Viz two Children of the Great men of each town to be Educated at the School their as the Saponie Children are they all readily agreed to the same promising with all Convenient Speed to bring them in.

Whereupon the Council taking the whole matter into Consideration are of opinion that it fitt to encourage the said Indians to enter into a Treaty with this Governm^t as well to secure the Peace of this Colony as Carolina which will be best affected by obtaining Hostages for their fidelity and that the said Indians be now sent back to further the Treaty with their respective Nations and forasmuch as the said Indians have represented that in their way hither they were attack'd by a Party of the Senequas and three of their men killed and have pray'd for as much Ammunition as may be necessary for their Hunting in their way home and for their Defence against any Party of the Senequas that may still lye in their way It is accordingly ordered that one Pound of Powder and two Pound of Shot per man be given them as a Present from this Governm^t to Encourage their Friendship to the English but that no Liberty be granted them to Trade for any Stores of War untill the Peace in concluded

And it is also order'd that the Cheif man of each Town now here be presented with a Stroudwater Blankett and that the Saraw King as a Reward for his Pains and Trouble in coming three times into this Governm^t in order to the bringing about a Peace with y^e Cattawbaw and Cherokee Indians be further Presented with a Gun and that a Passport be granted the said Indians for their safe Passage home and returning hither with their Hostages.

Philip Ludwell Esq^r Absent

Whereas the Governor was pleas'd to acquaint this Board that he is inform'd many of the Wives and Families of the Soldiers sent to Carolina are in a very Indigent Condition through the Governm^t of Carolina failing to send the Slaves & remitt hither the pay agreed on by the Treaty and that he was willing for the relief of those Poor People to advance a Sum of money on the Credit of what should be due to the said Soldiers for their Service provided that in case the Governm^t of S^c Carolina should still neglect to comply with their Engagements he may be paid out of his Maj^{tys} Revenue here the Council approving of the Gov^{rs} Charitable disposition for relieving the Necessity of so many Indigent people are of opinion that the

Sum not Exceeding an hundred Pounds be Advanc'd by the Govern^r and paid out of the two Shill^s per hh^d in case the Governm^t of Carolina should not send any Slaves nor remitt (according to agreem^t) so much as the Pay of the said Soldiers as shall be sufficient to reimburse the same.

At a Council held at the Capitol y^e 20th of April 1716

Present

The Governor

Edm^d Jenings

John Lewis

Rob^t Carter

W^m Bassett

James Blair

W^m Cocke

Philip Ludwell

Nath^l Harrison

Mann Page Esq^{rs}

On reading at this Board the Petⁿ of Dorothy Pleasants widow of John Pleasants late of Henrico County dec^d. It is ordered that a Patent be granted in her name for four hundred and Sixty three acres of Land in Henrico County Survey'd for the said John Pleasants and not Patented in his Life time.

On reading at this Board the Petⁿ of John Whatson of Henrico County setting forth that in the year 1713 he purchased of John Pleasants late of the said County deceas'd his Right to a Tract of Land containing Five hundred forty one acres Survey'd for the said Pleasant on the Northern Branches of Upnabrook and praying that a Patent for the same may Pass in his name, It appearing to this Board that a Patent has already been Sign'd for the said Land in the name of John Pleasant the Elder and that it was unknown that the said John was dead at the time of Signing the said Patent the Gov^r and Council do therefore think fit to Declare that the Patent affors^d was never intended for the Benefit of any other Person than the said John Pleasant the Elder, and that John Pleasant the Younger who was the only Person alive of that name at the time of granting the said Patent hath not any Right to the Land therein mention'd and it is ordered that this Declaration be entered in the Record of y^e s^d Patent in y^e Sec^{ys} Office.

The Petⁿ of Benjamⁿ Chapman praying a Grant of a Tract of Land lying on the mouth of Nottoway River is refer'd till the Lands appropriated for the Tributary Indians in those parts be ascertain'd.

On the Petⁿ of Rob^t Mountfort leave is granted him to enter for and Survey Six hundred acres of land or thereabouts lying between his Entry in Surry County and his Patented Land in Prince George County this Board being satisfy'd of his Ability to Cultivate the same according to Law.

On the Petⁿ of Rob^t Bowlin leave is granted him to take up & Patent four hundred four thousand acres of land lying on Creek and two thousand acres of land lying in Saponie This Board being Satisfy'd of his ability to Cultivate the same according to Law.

On reading at this Board His Maj^{ty}s order in Council bearing date the thirty first day of August 1715 repealing an Act of Assembly

made the 23^d of Oct^r 1705 Entituled An Act declaring who shall not bear Office in this Colony It is order'd that a Proclamation Issue declaring his Maj^{ty}s Disallowance and Disapprobation of the said Act and a Proclamation was prepar'd accordingly.

John Higginson of New Kent County by his Petⁿ setting forth that in y^e year 1699 he obtain'd a Patent for two thousand & eighty Seven acres of Land in the said County which was Survey'd by James Minge deceas'd but upon a late Survey thereof is found to contain no more than 937 acres that y^e Pet^{rs} did apply himself to Valentine Minge Son of the said James & now Surveyor of the said County desiring that pursuant to an order of the Governor he would lay out as much more of the adjacent Lands not yet Patented as will make up the Pet^{rs} Quantity but the said Minge has from time to time delay'd the same to the Pet^{rs} great damage and praying relief therein It is thereupon ordered that the said Valentine Minge do forthwith Survey the Pet^{rs} Patent and if it happen to fall short of the Quantity mention'd therein that he Survey and lay off as much more of the Adjacent Lands not yet Patented as shall be wanting to compleat the said Quantity and because it appears to this Board that the mistake in the former Survey so much to the prejudice of the said John Heggison was Partly occasion'd by the Neggligence of the said Valentine Minge being then employ'd under his father It is therefore ordered that the said Valentine Minge at his own Charge shall return a Survey of the said Heggisons Land into the Sec^{ys} Office within one month after notice of this order and within 20 days after such return take out a Patent in the said Higginsons name or otherwise that he be suspended from the Office of Surveyor of the said County.

On the Recommendation of the Gov^{rs} and Visitors of the Colledge of W^m & Mary the following Persons were approv'd by the Gov^r in Council to be Surveyors of y^e under mention'd Countys Viz. Henry Baker for Nansemond, Rich^d Slaughter for Yorke, Zorabable Preson for Northampton and Henry Nedderton for Westmorland.

May y^e 2^d 1716

Present

The Governor

Edmund Jenings
Robert Carter
James Blair

John Smith
John Lewis
W^m Bassett &
W^m Cocke Esq^{rs}

On Reading at this Board the Petⁿ of Robert Representing that about two Years ago he obtain'd a patent for 2644 Acres of Land on the Head Branches of Masocosick [?] Swamp in King and Queen County but soon After having a Curiosity to lay of all the Swamps & Branches within the said Lands he found there was an Errour of 100 poles Short in the first Course of his Patent which would alter all the other Courses and occasion much trouble hereafter if ever the Bounds of the said Lands came to be disputed and therefore praying Leave to

surrender the said Patent and to take a new one for the true Quantity of Land contain'd within the Rectify'd bounds of the said Survey it is accordingly order'd that Leave be granted him to surrender the said Patent he entring Rights for 776 Acres contain'd in his Said Survey more than is Express'd in his former Patent.

A patent for John Sutton and Michael Jenings in King W^m County was this day Sign'd by the Governor in Council

The Gov^r in Council was Pleas'd to nominate the following Persons to be Sherifs for y^e ensuing Year Viz^t.

Henrico.....	Joseph Royal
Prince George.....	Richard Hemlin
Surry.....	Rob ^t Wynne
Isle of Wight.....	Thomas Walton
Nansemond.....	John Wright
Norfolk.....	John Halstead
Princess Anne.....	Henry Chapman
Elizabeth City.....	Simon Hollier
Warwick.....	Thomas Haines Jun ^r
York.....	Henry Taylor
James City.....	Mungo Ingles
New Kent.....	John Scot
Charles City.....	Rich ^d Bradford
King William.....	John Chiles
King & Queen.....	Jeremiah Clowder
Glocester.....	Henry Willis
Middlesex.....	Geo Worham
Essex.....	Tho ^s Cattlet
Richmond.....	Alex Donapham
Lancaster.....	Rich ^d Ball
Northumberland.....	Peter Hack
Westmoreland.....	Benj ^a Berriman
Stafford.....	Hen. Fitzhugh
Accomack.....	John Watts
Northampton.....	Hellany Stranger

On the Petⁿ of Tho^s Jones Merchant Leave is granted him to take up and patent 2500 Acres of Land lying in Nansemond County this Board being Satisfy'd of his Ability to Cultivate the same according to Law.

New Commission of the Peace for the Countys of Middlesex King and Queen and Westmoreland were this day Sign'd and ordered to be issu'd With the Addition of Sundry new Justices.

The Governor acquainting the Council that by the publick prints lately ariv'd he had rec'd the happy news of the Success of his Maj^{ty}s Forces against the Rebels in Scotland and that he judgd it fit that this Board Should Congratulate his Maj^{ty} on this Occasion for which purpose he had prepared an Address which he Laid before the Council and the same being read was approved of and ordered to be fairly Transcribed for the Governor and Councils Signing

M^r Attorney Gen^l M^r Holliway & M^r Beverly to whom it was referd to prepare a Scheme for the better Qualifying persons practising

as Attorneys have reported their Opinion thereon the same is refer'd till a full Council's meeting.

Charles Chiswell having Petitiond for a Grant of a hundred foot in Length and 8 foot in Breadth of Vacant Ground under the Bank in York Town for the conveniency of Building a Warehouse & Wharf into the River and John Lewis Esq^r entring a Caveat against any Grant of Land there above high Water Mark it is ordered that y^e Petⁿ be deferr'd till y^e Right of the Said Land is determin'd.

On the Petⁿ of Rob^t Slaughter praying directions may be given for issuing the proper process for summoning Edward Jeffereys of London Esq^r to appear before the Gen^l Court to Show Cause why a Tract of Land held by him in Essex County ought not to be forfeited for non: payment of the Quitt Rents and that the Pet^r may be Enabl'd to Sue out a Grant of the said Land it is refer'd to M^r Attorney Gen^l to consider the Case Set forth in the said Petition and to report his opinion thereon.

The following Warrants to be paid out of his Maj^{ty}s Revenue of 2 S per hh^d & c^t were this day Sign'd by the Governor in Council Viz

To the Hon^{ble} Alexander Spotswood his Maj^{ty}s Lieut Governor three warrants for one year and a half Sallary ending y^e twentyfifth of April 1716 Three thousand Pounds.

To the Hon^{ble} Alex^r Spotswood His Maj^{ty}s Lieut Gov^r for one year and a half house rent end in the same time Two hundred & twenty five Pounds.

To the Gen^l of his Maj^{ty}s Council one Year and a half Sallary ending the same time five hundred & fifty Pounds

To W^m Blathwait Esq^r Auditor Gen^l of the Plantations for one Year and a half Sallary ending the same time One hundred and fifty Pounds.

To Nathaniel Blakistone Esq^r Solicitor Gen^l of the Virginia Affairs One year and a half Salary ending the same time One hundred and fifty Pounds.

To John Clayton Esq^r His Maj^{ty}s Attorney Gen^l for one Year and a half Salary ending the same time Sixty Pounds.

To W^m Robertson Clerk of his Maj^{ty}s Council One Year and a half Sallary ending the same time One hundred & fifty Pounds

To Edward Ross Gunner at James City one Year and a half Salary ending the same time fifteen £

To Daniel Jones Armourer at W^msburgh one Year and a half Salary Ending the same time Eighteen Pounds

To the Judges Clerks and Officers of the Courts of Oyer and Terminer held in June 1715 One hundred £

To Several Ministers for their Attendance before the General Courts and Assemblys ending the same time Twenty five Pounds

To the King of the Saraw Indians and three of his men who came in to Treat of a Peace as a Reward for their Fidelity three Pounds Seventeen Shillings and 3 Pence.

To W^m Robertson for so much paid and advanc'd by him for Listing and Transporting Soldiers to South Carolina and for other Contingencys One hundred Eighty Six Pounds Eight Shillings.

And out of the Quitt Rents

To M^r Commissary Blair one Year and a half Sallary ending the same time one hundred and fifty Pounds.

To John Clayton Esq^r His Majestys Attorney Gen^l one Year and a half Additional Sallary ending the Same time Ninety Pounds.

The Accounts of his Majestys Revenue of 2 S per hh^d from y^e 25th of Oct^r 1714 to the 25 of April 1715 from the said 25th of April 1715 to y^e 25th of October following and from the said 25 of October to the 25 of April 1716 being Attested by the Auditor were Presented by Nathaniel Harrison Esq^r Deputy Rec^r Gen^l and Certify'd by the Governor in usual form

Charles Aderson Attorney of Coll^o Edward Hill by his Petⁿ Setting forth that the said Hill having taken up and Survey'd a Tract of 400 Acres of Land in King W^m County did Assign his Pretensions thereto to Thomas Carr and praying that a Patent of the said Land may be granted to the said Carr It is accordingly ordered that the said Thomas Carr have a Patent for the said 400 Acres of Land in his name according to the Assign thereof made by the said Edward Hill.

At a Council held at the Capitol y^e 12th day of June 1716

Present

The Governor

Edmund Jenings
James Blair
Phil Ludwell

John Smith
John Lewis and
Nath^l Harrison Esq^{rs}.

Whereas Josiah Forbes late Master (as he pretends) of the Sloop John & Mary of Philedelphia by his voluntary Confession before the Governor did Acknowledge that he with other Vessells fitted out at Jamaica Attack'd the Spanish Batterys erected on the Coast of Florida for the Security of their Goods saved out of the Wrecks and did drive the Spaniards from thence and upon such his Confession was by the Governors Warrant taken into Custody and being this day brought before the Council and Examined, Confess'd his firing upon the Spaniard at the Afforsaid Batterys but that it was in his own defence upon the Spaniards firing first on his Vessel and the other in his Company he said he took nothing from the Spaniards on Shoar or any where else except what he got by diving on the Wrecks and that he had the Gov^r of Jamaicas Commission for what he did but had the misfortune to Loose it together with his mony and Effects when his Sloop was Cast away on Cape Hatteras in his Return from the Wrecks to Philadelpha and then the said Forbes being order'd to Withdraw upon Consideration of the whole matter and of the Articles of Peace concluded with Spain the Council are of Opinion that the said forbes be continu'd in Custody until he give bail for his Appearance when and were he Shall be calld to Answer what Shall be objected against him touching y^e hostilitys by him Committed on the Spaniards and the said Forbes being again Calld in and Alledging he could not find such Bail as is required off him he being a Stranger in this Country it was proposed to him to go with the Vessell he hath Lately purchasd here with a Sufficient number of men to be furnished him for the Recovery of y^e

money he saith he lost in his Sloop at Cape Hatteras and to bring the said money hither to remain as a Pledge untill he Shall find other good Security for answering what he Shall be charg'd with in relation to the Premises which Proposal being accepted by the said Forbes It is accordingly ordered that the said Forbes remain in Custody till the Vessel be mann'd for the service Afforsaid

A Draught of Instructions to Captⁿ Harry Beverly M^r of the Sloop Virgin bound for the Bahama Islands and other Parts for the discovery of wreck in those Seas were read in Council and approv'd

Whereas the Governor was pleas'd to informe this Board that some discoverys have lately been made by the Rangers of a Passage over the great mountains to the westward of this Colony and that he intended next August to send a greater Body of the Rangers upon further discoverys which he Judges may be of great advantage to this Country the Council are of opinion that all Suitable Endeavours ought to be us'd and encouragem^t given for Prosecuting the said as being for the Benefit of y^e Colony.

On Reading at this Board the Petⁿ of John Smith of the Town of Hampton Setting forth that he hath been at Considerable Charge in making preparations for Building a Wharf at the said Town for his greater conveniency in Shiping off the Iron Work and other materials he is employed in for the use of his Maj^{tys} Ships of War and Merch^t Ships Trading hither and praying Leave to Erect a Wharf within high Water mark at the said town and that a Pattent may be granted him for so much Ground as he Shall Gain out of the Water for Erecting the said Wharf it is Accordingly orderd that a Patent be granted the Pet^r to Erect the said Wharf and that upon returning a Survey of y^e dimensions and bounds thereof a Pattent be granted him for y^e same reserving to his Maj^{tys} Ships of Warr resorting thither the Privelidge of Lading and unlading their Stores and provisions and also for all such Goods or Stores as Shall be Ship'd off or Landed for the publick service of the Government without paying any Fee.

John Holloway Gent desiring to resign his Place of Naval Officer of the Lower district of James River the Governor was Pleas'd to nominate M^r Henry Irwin to Succeed him in that Office and the Council having no objection thereto it is ordered that Commissions be prepar'd constituting the said Henry Irwin Naval Officer & Receiver of the Virginia Dutys in the said District.

At a Council held at the Capitol y^e 15th of Oct^r 1716

Present

The Governor

Edm^d Jenings
James Blair
Phil Ludwell

John Lewis
W^m Bassett
Nath^l Harrison Esq^{rs}

On Reading at this Board Two Letters from the Right Hon^{ble} James Stanhope Esq^r his Maj^{tys} Princip Sec^y of State Signifying his Maj^{tys} Pleasure that the Rebell Prisoners taken at Preston and sent into this Colony and have not Sign Indentures in England be required

to Sign the same here and in case of the Refusal that Certificates be given to the Purchasers that it is his Maj^{ty}s Pleasure y^t the said Prisoners Shal serve such Purchasers or their Assigns for the term of Seven years.

The Governor was Pleas'd to acquaint the Board that the Masters of the Ship Elizabeth and Anne & of the Brigatine Anne of Liverpool having Notified to him their Arrival with a number of the s^d Prisoners on Board he had pursuant to the Afforemention'd given direction to the Naval Officers to go on Board and take an Exact List of the said Prisoners and to require them to Sign Indentures and in Case any of them refus'd to return the names of such Persons in order to his Giving Certificates and in the meantime that the said Naval Officers Should give publick Notice to all Purchasers that for their Satisfaction in Relation to the service of the said Prisoners Certificates Should be given them Pursuant to his Maj^{ty}s order And the Governor Asking the Advice of the Council which is the most Proper Place for recording the Certificates requir'd by the said Letters The Council are thereupon of opinion that it is most Proper that the said Certificates be recorded in the Sec^{ys} office and that the Fee for writing each of the said Certificates be 2^s 6^d and the Like sume for recording and no more and whereas by the Afforsaid Letters It is directed that a Guard be set upon the said Prisoners untill they are disposed off The Council are of opinion that whenever such Guard Shall be demanded for the security of the said Prisoners the same be furnished at the Expence of the Persons who are to make a profite by the sale of such Prisoners

Grace Watkins of the Province of Maryland Widow by her Petⁿ Setting forth that her deceas'd husband departing from Maryland with an Intention to remove to North Carolina Came into this Colony with divers Negroes and Wanting Necessarys for his Voyage sold one of his said Negroes without making any Entry or paying the Duty required by Law and that after his decease four other of the said Negroes remained in Virginia til y^e Pet^r came from Maryland who finding herself under necessity for money Sold another of the said Negroes not knowing that any duty was payable for y^e same and that thereupon the Naval Officer had made Ceizure of y^e said Negros as forfeited for nonpaym^t of the said Dutys and Praying relief therein This Board upon Consideration of the Premises have thought fit to order as it is hereby ordered that y^e three negroes not prov'd to have been exposed to sail in this Colony be delivered to the Pet^r but as to the other two which were sold and no entry made nor duty paid for them the same are forfeited according to the Express words of the Law and the Pet^r cannot be relieved therein.

October y^e 17th 1716*Present*

The Governor

Edmund Jenings
Rob^t Carter
James Blair
John LewisW^m Bassett
Nath^l Harrison
Mann Page &
Edmund Berkeley Esq^{rs}

Ordered that a New Commission of the Peace for the County of Stafford be issued with the Addition of the several Justices recommended for supplying the Places of those that are lately dead.

On the Petⁿ of Charles Chiswell Gentⁿ praying a Grant of a parcel of Land lying within the highwater Mark at Yorke Town containing 100 foot in Length and 80 foot in Breadth for Erecting thereon a Storehouse & Wharf for his greater Conveniency in Victualing His Maj^{ty}s Ships of War according to his Contract made with the Comm^{rs} of the Victualing Office It is ordered that a Survey be made of the Ground desired by y^e Pet^r and that thereupon a Patent be granted to him for the same.

On Reading at this Board the Petⁿ of Tarleton Woodson eldest Son and heir of John Woodson late of Henrico County deceased setting forth that his said father did enter for and survey 3090 Acres of Land in the said County on the North side of James River but upon a dispute between the said John Woodson an[d] John Boling Gentⁿ it being found that the Entry of the said Woodson did extend further upon the River than the Orders of the Government allowed part of the said Woods tract was laid out and Assign'd for the said John Boling and Praying that Leave may be given the Pet^r for Compleating his Quantity of 3090 Acres out of the Adjacent back Lands and that a Patent for the same may be granted the Pet^r It is therefore ordered that the Surveyor of Henrico County do lay out and Survey for the Pet^r as much of the Adjacent Lands extending back into the Woods as will Compleat the Afforsaid Quantity of 3090 Acres so as the same do not entrench upon any Lands all ready Patented or prior Entries And that upon return of the said Survey a Patent Be granted the Pet^r for the same.

October the 24th 1716*Present*

The Governor

Edmund Jenings
Rob^t Carter
James BlairPhilip Ludwell
John Lewis
W^m Bassett &
Mann Page Esq^{rs}

A Petition being presented to this Board in Behalf of Several of y^e Rebell Prisoners on Board the Elizabeth and Anne of Liverpoole now in

Yorke River Complaining of divers hardships imposed on them by the M^r and Owners of the said Ship Contrary to Law and his Maj^{ty}^s gracious Intentions for their Transportation Ordered that a Copy of the Said Petⁿ be sent to Captⁿ Edward Trafford M^r of the said Ship and that he have notice to attend this Board or send his answer in writing to the said Petⁿ on Saturday Morning next and at the desire of the Pet^{rs} it is also Ordered that the said Captⁿ Trafford give Leave for W^m Crafter and John Stewart two of the said Prisoners to attend this Board at the same time on the Behalf of the said Pet^{rs}

October the 27th 1716

Present

The Governor

Rob^t Carter
James Blair
Phil Ludwell

W^m Bassett
Nath^l Harrison
Mann Page &
Edmund Berkely Esq^{rs}

The Governor this day communicated to the Council part of a letter from the Right Hon^{ble} the Lords Comm^{rs} for trade & Plantations bearing date the first day of June last past wherein amongst other things their Lord Ships were pleasd to Signifie their Opinion upon the Representation of the Council in y^e year 1713 in Relation to the appointment of the Judges of the Courts of Oyer and Termin^r Viz That the Governor hath Power by his Commission to appoint such Judges of the said Courts as he shall think fit unless the same be otherwise restrained by the Laws of this Colony and that the Council are mistaken in asserting that no other Persons are Joined in Commⁿ with the Judges in England in Cases of Life and Death except in their Circuits for that it is frequently done there And the Governor further Caus'd to be read at the Board that Part of his Letter to the Board of Trade wherein the Several Objections mentioned in the Councils representation are Stated that it might appear to the Council that he had fairly recited the Same And it being observ'd by the Board that in the said Representation it is not expressly alledged that no such Joint Commissions are Granted in England but only that no Other Gentⁿ are ever added to the Judges in Criminal Cases tryed in the Kings Bench Such of the Council as Signd the said Representation did thereupon desire the Governor to transmitt a Copy thereof to the Lords Comm^{rs} of Trade that their Lord Ships may have the whole matter under their Consideration.

On the Petⁿ of John Bolling Gentⁿ Leave is granted him to take up in one Tract 800 Acres of Land lying in the County of Henrico This board being Satisfy'd of his Ability to Cultivate the same Accord-
ing to Law.

October the 29th 1716*Present*

The Governor

Edmund Jenings
 Rob^t Carter
 James Blair
 Phil Ludwell

John Lewis
 Nath^l Harrison
 Mann Page &
 Edmund Berkely Esq^{rs}

On hearing at this Board the Petⁿ of Certain of the Rebell Prisoners Transported into this Colony in the Ship Eliz^a & Anne of Liverpoole together with the Answer of Captⁿ Edward Trafford M^r of the said Ship It is the Opinion of the Council that y^e matters complained of are not properly determinable before this Board and that therefore the said Petⁿ be dismissed;

Whereas upon hearing the dispute between Captain Edward Trafford M^r of the Ship Elizabeth & Anne of Liverpoole and Certain of the Rebell Prisoners imported in the said Ship The Governor was pleasd to take notice of an Expression dropt by one of the said Prisoners that divers of their Number upon payment of Several Summs of Money to the Owners and Officers of the said Ship had been Set ashore and Suffered to make their Escape as well at Liverpool as at Cork and apprehending it to be Contrary to his Majesties Intensions that any of the Prisoners Designd for Transportation should be Suffered to go at Large either in Great Brittain or in Ireland It is therefore the Opinion of the Council that tis fit enquiry be made which of the said Prisoners have been Suffered so to Escape and by whose means Contrived and that the same be represented to his Maj^{ty} for that Purpose it is ordered that such of the Officers and Sea men of the said Ship and Prisoners on Board as can give Evidence in this matter be forthwith Examined upon Oath before a Committee of this Board any five of which are appointed and Impowered to take the said Examinations.

November y^e third 1716*Present*

The Governor

Edmund Jenings
 Robt Carter
 James Blair
 Philip Ludwell

John Lewis
 W^m Bassett
 Mann Page &
 Edm^d Berkley Esq^{rs}

The following Warrants on the Rec^r Gen^l to be paid out of his Maj^{ty}s Revenue of two Shill^s Per hh^d were Signd by the Governor in Council Viz.

To the Governor half a Years Sallary ending the 25th of Oct^r £1000.

To the Governor half a Years house rent Ending the same time Seventy five Pounds.

Upon Signing this Warrant the Governor declared that the said allowance of House Rent being according to her Late Maj^{ty}s Orders determined the day of June last past he desir'd it might be observ'd on the Journal that he did not Claim the same for any Longer time but that the Rec^r Gen^l having made up his accounts with the whole half Years allowance of House Rent therein and there not being time to alter and Transcribe the said Accounts he had thought fit to Sign the said Warrant as it was prepared but that Credit Should be given in the next Account of the Revenue for so much of the said Seventy five Pounds as should appear to be over Charged.

To the Gentⁿ of His Maj^{ty}s Council half a years Sallary Ending the same time one hundred and Seventy five £

To W^m Blathwait Auditor Gen^l of the Plantations half a years Sallary ending the same time 50 £

To Nathaniel Blakeston Esq^r Solicitor Gen^l of the Virginia Affairs half a Years Sallary ending the same time fifty Pounds.

To John Clayton Esq^r his Maj^{ty}s Attorney Gen^l half a year Sallary Ending the same time twenty Pounds

To Will^m Robertson Clerk of his Majesties Council half a Years Salary ending the same time fifty Pounds.

To Edward Ross Gunner at James City half a Years Sallary Ending the same time five Pounds

To Daniel Jones Armourer at W^msburg half a Years Sallary Ending the same time six Pounds

To Several Ministers for their Attendance one Gen^l Court £ 5.

To W^m Robertson Clerk of the Council paid and advanced by him for several Expresses and other Contingent Charges £ 86: 17^s: 7 1/2 ^d.

Out of the Quitt Rents

To Mr Commissary Blair half a Years Sallary ending the same time £ 50

To John Clayton Esq^r His Maj^{ty}s Attorney Gen^l half a years Additional Sallary ending the same time £^s thirty

On the Petition of Nicolas Merriwether Christopher Clark & Nath^l West Leave is granted them to take up in three different Tracts 3400 Acres of Land in the County of New Kent This Board being Satisfy'd of their Ability to Cultivate the same according to Law.

On the Petⁿ of Christopher Smith and Benjamin Arnold Leave is granted them to take up 2400 Acres of Land in y^e County of King W^m This Board being Satisfyd of their ability to Cultivate the same according to Law.

On the Petition of Christopher Smith, Augustine Moore James Taylor Jun^r Benjamin Arnold & Rowland Thomas Leave is granted them to take up 5000 Acres of Land in the County of King William this Board being Satisfyd of their Ability to cultivate the same according to Law.

On the Petⁿ of James Taylor, Augustine Moor Christopher Smith & Ambrose Smith Leave is granted them to take up and Patent in one Tract five thousand Acres of Land Lying in the County of New Kent This Board being Satisfyd of his [their] Ability to Cultivate the same according to Law.

The Governor this day laid before the Council his remarks in writing on the Present States of the Treasury Rights together with proposals for an inquiry into that Branch of the Revenue which arises by the sale of his Maj^{ty}s Land, and for Settling hereafter a more Exact Method of accompting for the same, and the said Remarks and Proposals being read it is thereupon ordered that for the Better discovery of the frauds which may have been practis'd by making use of Counterfeited Certificates of Treasury Rights for obtaining Grants of his Maj^{ty}s Land (of which some Instances have already appeard) The Currency of all Treasury Rights which Shall be outstanding at the time to be hereafter Limited by proclamation be thenceforth Stop'd and the said Rights Calld in.

That in Lieu of Such outstanding treasury Rights there be made out new Certificates in the forme hereafter set down to the Value of Five hundred Pounds; and if that Shall not prove equivalent to the number of Rights outstanding that a further sum be appointed by the Governor to be made out.

That the said new Certificates of Rights be distributed among the several County Surveyors, And that the Proprietors of the old outstanding Rights be required to deliver the same to the respective Surveyors of the Countys where they reside, and to recieve at the same time an equal number of the new Rights in Lieu thereof which the said Surveyors are hereby required to deliver without any Charge.

And for y^e more Exact method of Accompting for the said Rights for the future and preventing any Frauds or mistakes in that Branch of the Revenue it is ordered that the Certain Quantity of Rights to be coind or made out for the future from time to time directed by the Government.

That for the conveniency of the People and that no one may be obliged to buy more Rights than he has immediate occasion for there be different Classes of the said Certificates, whereof Some to be for Single Rights some Double some Treble.

That the said Rights Shall be signed by both the officers of the Revenue and numbered and the number entered into a Book to be kept for that purpose in the Reciever Generalls Office

That a Sufficient number of the said Rights be distributed to the said County Surveyors, to be sold to the people in their respective Countys, and that the remainder Lye in the hands of the Rec^r Gen^l to be disposed off to such Persons as Shall apply directly to him.

That for preventing the surveyors Exacting upon the People the said Surveyors be Strictly prohibited for demanding or taking any greater consideration for furnishing the people with Rights in their own Countys than after the rate of five per Cent the same being Judged a Sufficient Encouragement to the Surveyor for his trouble in delivering out the Rights and much less Chargeable to most of the Inhabitants than the Troble they are now at in traveling to Purchase the same Immediately of the Rec^r Gen^l.

That in Case the said Surveyor do not pay down money for the said Rights at the time they recieve the same: That then they give bond & security to accompt with the Rec^r Gen^l Yearly in April for

such Rights as they have sold producing at the same time what are Stil undisposed off (but forasmuch as it was objected at the Board that it might be difficult for some of the said Surveyors to find the security proposed and that therefore some Loss might probably happen to His Maj^{ty}s Revenue by the insolvency of such Surveyors

The Governor was pleas'd to declare that as he was Satisfy'd by would increase his Maj^{ty}s Revenue he would be answerable to the Revenue for such Rights as Should be delivered out to them and Accept of their Bonds for his Security

That the Rec^r Gen^l Shal enter in his Book the Species of the money he hath Rec^d for Rights opposite to the number of the respective Certificates delivered out by him which book Shall be laid before the Auditor at passing his accounts and the Rec^r Gen^l Shall then also produce the Number of Rights he hath by him undisposed off.

And for preventing the taking up Land twice for one and the same Right and for detecting such as Shall make use of the forged Certificates for obtaining Grants of His Majestys Land It is further order'd that the Clerk of the Secretarys Office Shall enter into a Book to be kept for that purpose the number of all Treasury Rights upon which Patents are Sued out how many Rights are contained in Each Certificate and by whom produced and used and that Immediately for Signing the Patent the Rights upon which it was granted be cancelled.

And it is order'd that as Soon as a Sufficient number of Rights can be printed and prepared a Proclamation Issue pursuant to the Resolutions Afforsaid.

And the following form of the Certificates of Rights is approv'd of and Establish'd

Form of a Single Certificate for taking up Land upon Treasury Rights.

Virginia

N^o.

One Crown Sterling having been paid into his Maj^{ty}s Treasury this Shall Entitle the Bearer to take up fifty Acres of his Maj^{ty}s Land pursuant to the Orders of the Government in that behalf which is hereby Certified by us the Officers of his Maj^{ty}s Revenue this day of

A B Dep Aud^r

On reading at this Board Sundry Letters from Coll^o Eden Governor of North Carolina Signifying that he hath declared War against the Saraw Indians and desiring the Assistance of this Government for cutting off that Nation It Appearing to this Board by the Afforsaid Letter that the Occasion of the War which the Government of North Carolina have thought fit to Enter into with the Saraws is grounded upon a Recounter between Some of the Inhabitants of that Province and a Party of Indians Supposed to be Saraws wherein the English were the Agressors and attackd the Indians first without any Provocation Given on their Part This board are of opinion that it is not advisable for this Government to Assist in a War so unjustly begun and Especially considering that the Saraws are under a Treaty with us (by the Consent and approbation of the Government of South

Carolina) and have the Publick faith for their Safe Passage into this Governm^t for concluding a Peace and therefore the Council do approve of the Answer which the Governor hath already given to Coll^o Eden on this occasion as agreeable to the Sense of this Board.

The Governor desiring the Advice of the Council whether there be any Immediate Occasion for Calling an Assembly the Council are thereupon of Opinion that there is no Occasion at Present for an Assembly.

The Accompt of his Maj^{ty}s Revenue of 2 S per hh^d port dutys and head money for the last half year ending the 25th of October was presented in Council by Nathaniel Harrison Esq^r Deputy Rec^r Gen^l with the Aud^{rs} Certificate thereupon and the Said Nath^l Harrison having made Oath thereto the Same was Certifyed by the Governor in the usual form.

At a Council held at the Capitol the 22^d day of January 1716 [1716/17]

Present

The Hon^{ble} the Lieut Governor

Edmund Jenings

John Smith

James Blair

William Bassett &

Philip Ludwell

Nath^l Harrison Esq^{rs}

The Governor communicated to the Council a Letter from William Popple Esq^r Sec^y to the Right Hon^{ble} The Lords Comm^{rs} of Trade and Plantations together with the Papers inclosed therein and referred by their L^d Ships for the observation of the Governor and Council thereupon Viz A Petⁿ of Sundry Merchants at London Trading To Virginia & Maryland Complaining of the Act Pass'd here for the Better Regulation of the Indian Trade Their Reasons for repealing the said Act, their Replication to the Answer put in by the Agent of the Virginia Indian Company and their Replication to the said Agents Memorial and the said Several Papers being read together with a Memorial of the Virginia Indian Company in Answer thereto, This Board are of Opinion that the Consideration thereof be referr'd till a fuller Council and because there are Sundry matters alledg'd by the Pet^{rs} and denyed by the Indian Company the truth of which this Board are willing to be informed off before they make their Report to the Lords Comm^{rs} for Trade It is thought fit that Such Persons as have been heretofore Concern'd in the Indian Trade have notice that if they will give into Coll^o Harrison a list of the Names of Such of their number as they desire to appear for them timely notice Shall be given them of the time of Considering this [these] Affairs in Council that they may attend to Clear some of the Allegations of the Pet^{rs} which seem to have relation to the Injury done Traders by being now Excluded out of the Indian Trade.

The Warrants for the payment of the Established Sallerys and Contingent Charges due last April out of his Maj^{ty}s Revenues having been omitted to be Sign'd at the time of Passing the Accounts thereof were now Signd by the Governor in Council.

James Roscow Esq^r presented a Warrant under his Maj^{ty}s Sign Manual Constituting him Rec^r Gen^l of His Maj^{ty}s Revenues of this Colony in the Room of W^m Bird Esq^r and Offering Cole Digges and W^m Cole Gent as his Securitys for his discharge of that Trust they were approv'd off and thereupon the said James Roscow took the Oaths appointed to be taken instead of the Oaths of Allegiance and Supremacy the Abjuration Oaths the Test and also the Oath for the due Execution of the said Office

The Governor acquainted the Council that Since their Last meeting M^r John Grymes had Presented to him a Deputation from W^m Blathwait Esq^r Auditor Gen^l of his Majestys Plantations Constituting him the said John Grymes Deputy Auditor of his Maj^{ty}s Revenues in the Room of Coll^o Ludwell. That upon Perusal of the said Deputation he the Governor Observ'd that it differ'd very much from the former deputations granted to Coll^o Digges and Coll^o Ludwell for that Office In that it had not the Nomination of the Lord high Treasurer or Comm^{rs} of the Treasury subjoind thei^rto as bothe the other had that this also wanted the Stamp which Coll^o Digge's Deputation had and which according to the directions of the Act of Parliament are Constantly affix'd to all Commissions for offices of Profit under the treasury and that for these defects and Especially the first he did not think it a Sufficient Authority for M^r Grymes to Act by and that he is the more confirmd in that opinion by some Letters he rec^d from M^r Blathwait on Occasion of Coll^o Ludwell's deputation wherein he says he was oblig'd to delay the dispatch of that Deputation until he had obtained the treasurys nomination Yet the Governor was pleas'd to declare that to Show his Regard to M^r Blathwaits Nomination he intended to Supply the defeats [defects] in M^r Gryme's Commission by giving him power from time to time to transact such Matters as requir'd dispatch in that Office untill the pleasure of the Lords Comm^{rs} of the Treasury be Signified or that the defects in his deputation be Supplied by a new one in the usual form And accordingly M^r Grymes being call'd in took the Oaths appointed to be taken instead of the Oaths of allegiance and Supremacy the Abjuration Oath the Test and the Oath for the due Execution of the Office of Deputy Aud^r

January the 23^d 1716 [1716/17]

Present

As Yesterday

Upon considering the draught of a Proclamation Prepared in pursuance of the resolutions of last Council for preventing Frauds in the Treasury Rights. It is ordered that it be added to the said Proclamation, and as an Instruction to the Reciever Gen^l and Such as Shall be entrusted with the disposal of the Treasury Rights under him that they Sell y^e Same at the rate of five Shillings English money or nineteen Penny weights Spanish Coin for each Right to take up 50 Acres of Land as has been Customary heretofore and the said Proclamation being Accordingly amended it is ordered that the Same be Issued.

James Roscow Esq^r His Maj^{ty}s Rec^r Gen^{ll} together with Cole diggs and W^m Cole Gent his Securitys came this day before the Governor in Council and executed their Bond for the said M^r Roscows faitfull Execution of his Office and it is Order'd that the said Bond be Lodg'd in the Council office.

The Officers of the Revenue attending in Council The Governor delivered one thousand printed Certificates of Treasury Rights amounting to the Value of five hundred Pounds to be sign [ed] and distributed by them for exchanging the old outstanding Treasury Rights Pursuant to the Resolutions of last Council.

A Warrant for his Royal Highness the Prince Guardian of the Kingdom dated the day of August last was read for paying to Coll^o Nathaniel Blakistone £ 200 per Annum Out of the Quittrents being an Additional Sallary as Agent for Virginia Commencing at Mid summer last past and it is orderd that the Said Warrant be entered in the Council office and the Original returned to Coll^o Blakistone.

On reading at this Board a Representation from M^r Commissary Blair Setting forth that the vestry of South Farnham Parish in Essex County have taken upon them to Suspend M^r Lewis Latane their Minister from the Exercise of his Ministerial Office without Any previous Accusation or Conviction of any Crime laid to his Charge and that the said Vestry have also prohibited the use of Divine Service in the said Parish by Causing the Church doors to be Shut and praying the Consideration of this Board therein And the order of the Vestry for Suspending M^r Latane being also read It is the unanimous opinion of this Board that the said Vestry has no Power to turn out their Minister in the manner they have done and therefore it is order'd that the Church Wardens Cause the doors of the Church to be opened and that the said M^r Latane be permitted to Exercise his Ministerial Function therein until he be Legally tryd and Convicted of Such a Crime as renders him unworthy to be continued for which there are Proper Judicatures to which the said Vestry may apply If they have any thing to charge him with And it is further resolved that in case the said vestry Shall refuse to pay him in the meantime his Sallary due by Law that proper Measures be taken for obliging them to do him Justice.

Ordered that Nathaniel Harrison Esq^r deliver to the Rec^r Gen^{ll} all such books and Papers as are in his Custody relating to his Maj^{ty}s Revenues And that M^r Roscow render an Account to the Next Council what Books and Papers he has recieved.

Ordered that a new Commission of the Peace issue for King & Queen County with the Addition of Sundry Persons recommended to be Justices of the said County.

On the Petⁿ of W^m Dandridge Gentⁿ praying Leave to erect a Wharf within the High Water Mark opposite to his own Lotts in the Town of Hampton for which he hath already been at considerable Charge in preparing Meterials that he may be allowed to Extend the Same 100 foot in Breadth along the beach and as much in Length as he Shall gain out of the River And that upon finishing the said Wharf

and returning a Survey thereof he may have a Pattent Granted for Securing to him and his Heirs the Property of the same It is orderd that upon his producing a Certificate under the hands of the Feofees of the said Town and that the place pet^d for doth not enreach upon the Common Landings set apart by them purs^t to the order of this Board That then the Said M^r Dandridge have leave to Erect his Said Wharf and that a Patent be granted him for the Same according to the prayer of his Petⁿ.

Whereas divers applications have been made to this Board for the Liberty of Erecting Wharfs at the places heretofore purchased for Towns and for grants of Such Quantitys of Land as by the Industry of the Persons intending to erect the said Wharfs Shall be gain'd out of the Water This Board being desirous to Encourage as much as Possible a desing [design] so much for the conveniency of Trade and at the same time to Leave Sufficient Landings in common for the use of the Inhabitants of the said Towns have therefore thought fit to order as it is hereby Order'd that the Feofees of the Lands purchased and laid out for Towns do with all convenient Speed Set apart a Convenient Space of Ground opposite to Each of the Streets leading to the Water Side of the Breadth of the said Streets for Common Landing Places for the general conveniency of the Inhabitants And that when any Person that be desirous hereafter to erect a Wharf for his own benefit or conveniency at any of the said Towns he Shal before he have the Licence of the Governor for erecting the same produce a Certificate under the hands of the Said Feofees that the place intended for such wharf doth not enreach on that Set apart by them for the Common Landings as Aforesaid

On the Petⁿ of George Walker Setting forth that he hath been at Great Charge in Erecting at Hampton a Wharf within the high water mark for the convenient lading and unlading of Goods and praying that he may have a Patent for securing the Property thereof to him and his Heirs, It is order'd that upon his producing a Certificate from the Feofees of the said Town that the said Wharf is not prejudicial to the Common Landings set apart by them and upon returning a Survey thereof to the Sec^ys office a Patent be granted for the Same:

On the Petⁿ of Francis Lightfoot Gentⁿ Leave is granted him to take up in one Tract 1500 Acres of Land in Surry County This Board being Satisfy'd of his Ability to Cultivate the same according to Law.

At a Council held at the Capitol y^e 2^d of April 1717

Present

The Governor

Edmund Jenings
Rob^t Carter
James Blair
Philip Ludwell

John Lewis
Nath^l Harrison
Man Page
and
Edmund Berkeley Esq^{rs}

Whereas in pursuance of the orders of last Council due notice has been given to the Persons heretofore Concern'd in the Indian Trade

to attend this day at the Board, and offer what they had to object ag^t the Act of Assembly for the better Regulation of the Indian Trade or in Support of the Allegations of the Merchants and other who Pet^d the Right Hon^{ble} the Lords Comm^{rs} of Trade for repealing the same and none of the said Traders nor any other Person in Their behalf appearing the Council therefore proceeded to the Consideration of the Merchants Petition. Reasons and Replications against the said Act which were all read at the Board together with a Memorial of the Virginia Indian Company in Answer thereto [after] mature deliberation the council came to the following resolutions Viz^t.

That the State of the Indian Trade at and before the Passing the Act in Question and the Reasons which Induced the Gen^l Assembly to pass the same are truly represented in the Indian Companys Memorial now laid before this board and that there doth not appear therein any matter of fact intirely repres^d.

That this Board know no Inconveniency that has happened or is like to happen to this Country By the said Act: but on the Contrary have Reason to beleive that the quiet the Country has enjoyed on its frontier free from all disturbances from the Indians. Is in a great Measure Owing to the Relations established thereby

That no Inhab^t of this Country even of those whose Interests Seems most to be touch'd thereby has appear'd to offer any Objection ag^t the same either has it been alledged that any one who had a mind to Subscribe to y^e Stock for carrying on the Indian Trade had not free Liberty so to do

Ordered That a Report be prepared upon y^e said Resolutions against the next Gen^l Court in order to be Transmitted to y^e R^t Hon^{ble} the Lords Comm^{rs} for Trade

Whereas application has been made to this Board by the Virg^a Indian Company for leave to open a Trade with the Cherokee Catta-baw and other Western Indians in Amity with his Maj^{ty}s Subjects, The Council being Credibly informed that a Peace is Concluded between the Government of S Carolina and all y^e Western Indians except only y^e Yamoosies & Creek Indians It is y^e Opinion of the Council and accordingly ordered that Leave be granted the said Company to open their Trade accordingly Except only the Indians in Actual War with S^c Carolina

For as much as Divers applications have been made to this Governm^t by the Saraw Indians and others incorporated with them for Liberty to Seat themselves on the head of Roanoke River, within this Governm^t It is the Opinion of this Board that it is fit y^e said Indians be encouraged to Seat there under the Protection of this Government they Complying with what they have Promised in delivering up some of their Children as Hostages for their Fidelity to be educated at the School at Christanna

Upon reading at this Board a Report of Francis Kennedy Esq^r containing an Acct of his Negotiations with the Government of South Carolina (pursuant to the Governors Instructions given him in that behalf) for obtaining the performance of the Several Articles in the Treaty of Assistance made between that and this Government. It

appearing to this Board that the said Governm^t of Carolina have no Intention to performe any of their Engagements whereby the Inhabitants of this Colony Listed as Soldiers here for the Assistance of that Province, are greatly deceived & prejudicd, and the M^{rs} of divers of the Said Soldiers not only disappointed of any Recompence for the Loss of their Servants time but even of the said Serv^{ts} themselves who are not returned according to y^e said Treaty; It is therefore the unanimous Opinion of this Board That It is fitt the Injustice of that Province towards y^e Peoples of this Colony be represented to his Maj^{ty} That Such Measures may be taken as his Majesty in his Royal Wisdom Shall Judge fitt to oblige the Province of South Carolina to make good their Engagements and the Governor is prayed and desired to represent y^e same accordingly and It is further ordered That the thanks of this Board be given to M^r Kennedy, for the Trouble he has taken in the Service of this Governm^t at S Carolina, and because this Governm^t is not in a Condition (by reason of the deficiency of it's Publick Revenue) to give him a Recompence Suitable to the said Services The Governor is desired to recomend the Said M^r Kenedy to the R^t Hon^{ble} the L^{ds} Comm^{rs} for Trade that by their L^{ds} Interest and good Offices a Suitable reward may be obtained for him

M^r Kenedy having brought from the Governor of S^t Aug a Letter an Answer to the Letter sent Thither by his Majesty Lieut Governor in the Shoreham Man of War in behalf of y^e Gov^t of S Carolina It is ord^d that the said Letter of the Gov^r of S^t Aug. be entered in the Council Books

On reading at this Board a Petition of Peter Beverly Gentⁿ Setting forth that his Brother Harry Beverly having Sailed out of this Colony last Summer in a Sloop called the Virgin on a Lawfull Voyage was taken on the High Seas by a Spanish Man of War near the Island of Bermudas on the 5th of July last his Vessell plundered, and himself and all his Men Carryed away Prisoners first to Port Rico and afterwards to S^t Domingo on at both which Places he Pet^d for a Legall Tryal but was denied, and that the said Harry Beverly nor any of his Men have been heard of since, And praying that this Board will represent his Case to His Majesty That Measures may be taken for procuring the Liberty of the said Beverly and his Crew and reparation for their Damages It is accordingly ordered That on Humble Representation of the Case of the Said Harry Beverly be made To the R^t Hon^{ble} the Lords Comm^{rs} for Trade and Plantations and that the same be prepared for the Gov^r & Councils Signing against the Next Gen^l Court

Whereas the Rights Issued purs^t to the Resolutions of This Board of the 3^d of Nov^r Last are found but barely Sufficient to Cancel the Old Rights It is therefore ord^d that for a Supply of New Rights to be sold to the People, A Number not Exceeding 250 be forthwith made out and distributed according to the Former Directions for the Ease and Conveniency of such of his Majesties Subjects as may have Occasion to take up Land And the Officers of the Revenue are to take Care the same be done accordingly

On Reading at this Board the Petition of John Coomee a Negro Setting forth that Michael Herney of Elizabeth City County detaining him as a Slave he Pet^d the Gen^l Court for his Freedom, who thereupon Ordered that M^r John Holloway should enquire what Pretensions he had to Sue for his Liberty and accordingly the Pet^r by divers Witnesses before the Court of the said County of Eliz^a City made appear that he is a freeman, which he doubts not M^r Holloway will represent to the Gen^l Court, but when the said Hearney heard the Pet^{rs} Witnesses he immediately carryed the Pet^r home Whipt him and put him in Irons and afterwards carryed him to one Captⁿ Mead with whom he had Communication about Transporting the Pet^r out of this Colony, thereby to prevent his Prosecuting his Freedom, and praying releif therein It is thereupon ordered y^t (in regard it appears to this Board that y^e Pet^r has a Suit now depending before y^e Gen^l Court for his Freedom) the Sheriff of Eliz^a City County take the said Coomee into his Care and deliver him to his said M^r upon his giving bond not to correct, nor transport out of this Colony until the Determination of the Suit before y^e Gen^l Court, and that he will also Suffer the said Coomee to attend the said Court for the better Prosecuting the Said Suit and in Case of the said Hearney Shal refuse to give Such Bond that then the said Sherif do take Charge of y^e said Coomee so as he be not abused or Transported until upon a Legal Tryal it Shall appear whether he be a Slave or not
Ordered

That a new Commissⁿ of the Peace Issue for James City County wth y^e Addition of Sundry new Justices
Ordered

That a New Commⁿ of the Peace Issue for y^e County of New Kent and that David Aderson Gentⁿ be added to y^e said Commission

At a Council held at the Capitol y^e 15th of April 1717

Present

The Governor

Edmund Jening
James Blair

John Smith
Nath^l Harrison &
Man Page Esq^{rs}

The Governor this day acquainted the Council that upon Advice the Great Men of the Cattawbaw and other Western Indians were arived at Christanna with divers of their Children, to be delivered up as Hostages for their Fidelity to the British Interest (pursuant to the former Engagements of this Government) he repaired thither to meet the said Indians, That on last Tuesday Night, he had some Conference with Whitmannetaughehee the Chief Man of all the Cattabaw Nation, and found in him and in the Great Men of the other Nations a great readiness to deliver their Hostages and to Suffer them to be Educated at the School of Christanna, and in general a good Disposition to Continue in Peace with all his Majestys Subjects, but the next Morning being Wednesday the 10th Instant, about break of Day

as the said Indians were lying unarmed without the Fort they were attackt by a Party of the Senequas and Tuscaruros, who firing Suddenly upon them, Killed five, wounded two and carryed off five Prisoners, among the Latter Whitmannetaughehee is Supposed to be one being Missing: That upon this Accident the said Western Indians Seemed to be highly Enraged ag^t the English, Suspecting that this attack was contrived by their Means, — Yet with much Difficulty he at last removed their Jealousys, and obtained of them Eleven Children of their Great Men to be delivered up as Hostages for their Continuing in Peace with his Majesties Subjects both of this Colony and all other the Neighbouring Plantations and The Governor further acquainted the Board that he had certain Information that while the Senequas were at the Tuscoruro Town divers Inhabitants of this Colony particularly Jacob Coulson James Lundy, Jun^r William and Charles Kimball and Thomas Reeves were there trading with the Tuscoruros contrary to Law, And that he has great Reason to Suspect that some of the said Traders must have given Information to the Senequas of the manner of the Western Indians encamping at Christanna, and of the Discipline Established there of delivering up their Arms. Otherwise that Party of the Senequas durst not have attempted to fall upon them as they did and therefore he desired the Advice of the Council as well upon the Proper Measures to be taken for repairing the affront done to this Government by the Tuscoruro's and Senequas by attacking Indians in Aimity under the Protection of his Maj^{ty}s Fort, as for detecting and Punishing Such of the Inhabitants of this Colony As have Encouraged them in that attempt: Whereupon the Council Judging the same to be a matter of very great Importance have thought fit to referr the Consideration to a fuller Board.

April the 19th 1717

Present

The Governor

Edmund Jenings
Rob^t Carter
James Blair
Phil Ludwell

John Smith
Nath^l Harrison
Man Page and
Edmund Berkley Esq^{rs}

The Governor Communicated to the Council the Information he had lately recd of Sundry Vessels taken by Pyrats on this Coast and that there is Crusing about the Capes a Ship of 28 Guns & 200 Men formerly call'd the Widda Galley and also a Sloop of about 10 Guns & that divers other Pyrates are likewise Expected: And thereupon desiring the Opinion of the Board how y^e Trade may be best protected the Council are of Opinion that Considering the Inability of this Country to Arm out Vessels for the Guard of the Coast it is not possible the Trade can be protected nor the Pyrates Suppressed unless some of his Matys Ships of War be sent hither for that purpose But it being reported that the said Pyrate Ship and Sloop are bound Northward It is therefore the opinion of this Board that notice thereof be sent to the

Governors of New York & New England that they may order out the Guard ships on those Stations to intercept the said Pyrates

On reading at this Board a petition of the Queen & Great men of the Pamunkey Indians Complaining that Sherwood Lightfoot of New Kent County hath lately taken away from one of the said Nation a Gun on pretence that the said Indian was hunting on his Land and hath also threatned with more severe usage such of the s^d Nation as shal hereafter hunt on any part of his said Land altho by the Laws of this Country the said Indians are allowed the privilege of hunting on the patented Lands in their Neighbourhood, and praying Relieff therein It is ordered that the said Sherwood Lightfoot do forthwith deliver the said Gun to the Owner thereof or else that he personally appeare before this Board to show cause for detaining the same

April the 25th 1717

Present

The Governor

Edm^d Jenings
Robert Carter
Philip Ludwell
John Smith

John Lewis
W^m Bassett
Nath^l Harrison
Mann Page &
Edm^d Berkeley Esq^{rs}

A Representation to the Right Hon^{ble} The Lords Comm^{rs} for Trade & Plantations in favour of Cap^t Harry Beverley and the Crew of the Sloop Virgin of Virginia taken by the Spaniards, being prepared pursuant to the Resolutions of this Board on the 2^d instant was Read and approved, and ordered to be fairly transcribed for the Gov^r and Councils Signing

The Council resuming the Consideration of what was communicated by the Governor on the 15th Instant relating to the Persons Suspected to have Encouraged the Senequas in their late attempt upon y^e Western Indians at Christanna Ordered that the Sherif of Surry County forthwith take into his Custody and bring before this Board James Lundy, Charles Kimball W^m Kimball Thomas Reeves and Jacob Colson to answer what Shall against them for their Illegal Trading with the Tuscoruros and for other Misdemeanors Committed by them to the endangering the Peace of this Government and that the said Sherif Summon Nath^l Malone to appear at this Board to Testifie his knowledge and also to Summon Such other Persons as the said Malone Shall Nominate to him as proper Evidences against the said Offenders.

Ordered that a New Commission of the Peace Issue for the County of Northampton with the Addition of Sundry new Justices.

The Petⁿ of Dan^l Blouett for Stopping a Patent sued out by Bartholemew Dupuis for Land at Manican Town is Continued for hearing till the third day of y^e next Gen^l Court.

May the 4th 1717

Present

The Governor

Edmund Jenings

W^m Bassett

Rob^t Carter

Nath^l Harrison

James Blair

Man Page

Phil Ludwell

and

John Lewis

Edm^d Berkeley Esq^{rs}

Nath^l Harrison Esq^r Late Deputy Rec^r Gen^l presented the Accompt of his Majesties Revenue of Q^tR^{ts} for the year 1715 and made Oath thereto, and the same being attested by the Auditor was Certified by the Governor in usual forme

The Governor was pleas'd to take notice of an Exeption he had to the Forme of the Certificate joined to the accompts of his Majesties Revenues and declared that he would not set his hand to any such Certificate for the future; Unless the same be altered as follows Viz. Instead of the Words [and do believe it to be a true Charge & discharge of the Revenue for the said time] the following words be inserted [And do Certify that the Rec^r Gen^l hath made oath that the same is a true Charge of the Revenue for the time aforesaid] but forasmuch as the Accompts of his Majesties Revenue for last half Year are compleated according to the Form of the Certifie [certificate] heretofore used, he would for saving the Officers of the Revenue the trouble of Transcribing their acc^{ts} and Certificates, sign the said Acc^{ts} as they are at Present Prepared, And further declared that he did not make this Exeption out of any defidence of the Integrity of the present Rec^r Gen^l, but that he Judged it improper for him to give such an Attestation of the Truth of a matter wherein he had no other Part than barely Adminestring the oath to the Officer

Whereas W^m Bird Esq^r his Maj^{ty}s late Rec^r Gen^l was by order of this Board appointed to recieve of the several Agents bills of Exchange for the Price of the Scales and Weights delivered to them; and to remitt the same to M^r Micajah Perry Merch^t in London for Satisfying the first Cost thereon: And it appearing by an Acc^t this day Communicated by the Governor that there is still due to the said M^r Perry a Ballance of £158 odd Money It is therefore ordered that the Present Rec^r Gen^l do enquire how the said Scales and Weights have been distributed, and which of the said Agents are in Arrear and that he demand y^e same and remitt it by the first Opportunity to y^e said M^r Perry to Satisfy the above Ballance

Whereas it appears to this Board by the Examination of Nath^l Mallone that Charles and W^m Kimball, James Lundy and Thomas Reaves were unlawfully trading with the Tuscoruros while those Senequas were there; who afterwards attacked the Cattabaw Indians at Christanna. And forasmuch as the said Persons being ordered to be taken into Custody are not Yet Bro^t to town so as they cannot be Examined at this Concil The Governor is therefore desired to Examine them and if he find Cause; to App^t them to attend this Board at such other time as he shall think fitt.

This Board having taken into further Consideration the Affront offered to This Govern^t by the Senequa Indians in attacking the Cattabaws while they were at Christanna giving pledges for their Fidelity and peaceable Deportm^t to his Majestie's Subjects and while they had the Publick Faith for their Security, and Considering how much It Concer[n]s the Hon^r of this Govern^t that the Cattabaw Prisoners taken on that Occasion be released and sent back, The Council are therefore of Opinion that a Message be sent to the Tuscoruro Indians Signifying to them that as the Senequas who Committed this Out-Rage were for some time before at their Towns and that Sundry Tuscoruros were in their Company at Christanna, this Government must look on their Nation as Accessary unless the said Tuscoruros set at Liberty Cattabaw Prisoners if at their Towns, or procure them to be set at Liberty if they are carryed to the Senequa Country, That if they Shall at any time hereafter harbour or Correspond with any Indians whatsoever who Shall Committ any Act of Hostility on the Inhabitants of Virginia or its Tributarys, This Govern^t will Revenge the same on the Tuscoruro Nation.

And this Board are further of Opinion that the Governor of New York be desired to Interpose his Good Offices for the Liberty of the said Captives if they are among the Senequas and for Restraining for the future the Indians under That Govern^t from making war on any Indians Tributary to this Gov^t or in Amity, with it: And for as-much as it [is] for his Maj^{ty} Service and the Safety of this Colony that some Speedy Measures be taken to prevent the Incursions of the Senequa Indians on Our Frontiers It is the Opinion of this Board that a fitt Person be sent to New York who by discoursing with the said Indians may be able to Induce them to renew and Continue the Peace made with this Govern^t in 1685 and with the permission of the Gov^r of New York to Negotiate a Peace between them and the Cattabaw and other Western Indians, And whereas a Proposal has been communicated to this Board from the Virg^a Indian Company, that they are willing to Contribute one half the Charge of sending such a Person as may be fitt to Negotiate with the said Senequa Indians, This Board do accept of the said Offer, and it's ordered that y^e other half of the said Charge be defrayed out of his Maj^{ty}s Revenue of 2 S per hh^d the same being for his Majesties Service and the Preservation of y^e Peace of this his Matys Colony.

And for preventing hereafter that unlawful Traffique and Correspondence with the Tuscoruros which has already had Such Dangerous Effect on the Hon^r and Safety of this Gov^t as that it is much to be Suspected Intelligence has been Given by such Illegal Traders both to them and y^e Senequas of the Condition of the Fort of Christanna, And of the manner of the Western Indians encamping there, w^{ch} encouraged the Senequas to attack y^e said Western Indians It is ordered that a Proclamation Issue Strictly prohibiting all Persons from Trading or Corresponding with the Tuscoruro Indians Exept such Persons as the Virginia Indian Company Pursuant to the Liberty granted them by Law Shall Employ in their, and for whose Good behaviour among the Indians the said Compy Shall be Answerable

Whereas divers Presents of Powder were made by the Gov^r to the Western Indians at the delivering their Hostages according to the Custom of Treating with those Indians, It is the Opinion of this board, and accordingly ordered That the said Presents be repayed out of his Maj^{ty}s Stores in this Colony.

The following Warrants on the Rec^r Gen^l to be paid out of his Majesties Revenue of 2 S per hh^d Port dutys and head Money were this day Sign'd by the Governor and Council Viz

To the Gov^r half a Years Sallary ending the 25th of April £1000

To the Gentⁿ of the Council for half a Years Sallary ending the same time £175

To W^m Blathwait Esq^r Aud^r Gen^l for y^e same £50

To Nath^l Blakistoll Esq^r Solicitor of the Virg^a Affairs for the same £50

To Jn^o Clayton Esq^r Att^y Gen^l for the same 20£

To M^r W^m Robertson Clk of the Council for the same £50

To Edw^d Ross Gunner at James Citty for the same £5

To Dan^l Jones Armourer for y^e same £6

To W^m Robertson for Sundry Ministers Atten^{oe} last Gen^l Court £5

To the same for Sundry Expresses and other Conting^t Charges last half year £46-18^s-2^d

And out of the Quitt Rents

To M^r Commissary Blair one Years Sallary £100

To Collo Nathaniel Blakiston 3/4 a Year Add^l. Sallary as Agent for Virginia ending at Lady day last past 150

To the Attorney Gen^l one Years Additional Sallary £60.

The Accompt of his Maj^{ty}s Revenue of 2 S per hh^d ending the 25th of April last past was presented by James Roscow Esq^r his Maj^{ty}s Reciever Gen^l who made oath thereto and being attested by the Deputy Auditor, was Certified by the Governor in the usual Forme.

The acc^t of his Majestys Revenue of Q^t Rents for y^e Year 1716 attested by the Deputy Auditor was presented by James Roscow Esq^r his Maj^{ty}s Rec^r Gen^l who haveing made Oath thereto the same was Crtified by the Gov^r in usual Forme.

The Gov^r was pleased to take Notice that it appears by the Rent Rolls that there are great Arrears due to his Maj^{ty} for the Q^t Rents of Lands, and that he understood the People have been encouraged to delay the Payment of their said Quitt Rents by reports Industiously Spread about the Country that his Maty had repealed the Act of Assembly which makes three Years Non Payment of Quitt Rents a forfeiture of the Land and therefore he thought it Necessary that Measures be Speedily taken for the recovery of all Arrears due to his Majty. It is thereupon ordered that the Officers of His Majesties Revenue draw out an acc^t of all Arrears of Quitt Rents due to his Maj^{ty} and lay the same before this Board that further Consideration may be had of Proper means for the Recovery thereof.

The Governor in Council was pleas'd to appoint the following Persons to be Sherifs of the Several Countys for the Ensuing Year

Henrico.....	Joseph Royall
Charles City.....	Rich ^d Bradford
Prince George.....	Rich ^d Hamlin
Surry.....	Stith Bolling
Isle of Wight.....	George Norsworthy
Nansemond.....	Tho ^s Jordan Jun ^r
Norfolk.....	Jonas Holiday
Princess Ann.....	George Hancock
Eliz ^a City.....	W ^m Bosswell
Warwick.....	Thomas Haynes Jun ^r
York.....	Henry Tyler
James City.....	James Bray
New Kent.....	John Scott
King W ^m	John Chiles
King & Queen.....	Jeremiah Clowder
Glocester.....	W ^m Smith
Middlesex.....	James Walker
Essex.....	Tho ^s Cattlett
Lancaster.....	Rich ^d Ball
Richmond.....	W ^m Thornton
Stafford.....	Jn ^o Washington
Westmoreland.....	Henry Ashton
Northumberland.....	Peter Hack
Accomack.....	Thomas Custis
Northampton.....	Hilary Stringer

Upon a Representation of the Want of Justices in Warwick County
Ordered

That a New Commission of the Peace Issue for the said County
with the Addition of Sundry New Justices
Ordered

That a New Commission of the Peace Issue for Accomack County
with the Addition of Sundry new Justices
Ordered

That a New Commission of the Peace Issue for Gloucester County
with the Addition of sundry new Justices
Ordered

That a New Commⁿ of y^e Peace Issue for Norfolk County with
the Addition of sundry new Justices

On the Petition of Mary Bass Widow praying Leave to Surrender
a Patent for a Tract of Land bequeathed to her for Life by the Will
of her dec^d husband the Tenant in Remainder being dec^d without
Heirs, and that a New Patent may be granted for the same Land to
M^r Joseph Walker to whom she has conveyed her Title, The Said
Petⁿ is referr^d to M^r Attorney Gen^l to Report his Opinion in Law
thereupon.

On the Petⁿ of Rob^t Bolling Gent Leave is granted him to take up
seven hundred Acres of Land or thereabouts adjoining to the Utmost
Lines of his Plantation in Surry County being Wast Land lying between
his said Plantation and the other Circumjacent Patented Lands And

it is ordered that a Patent be granted him for the same This Board being Satisfied of his Ability to Cultivate the same according to Law.

On reading at this Board the Petⁿ of Jn^o Thornton setting forth that he is Possess'd of an Island in the upper Parts of Ja^s River called Elk Island with about 3 miles in length of Low Grounds opposite thereto & extending downwards within half a Mile of the Mouth of the Byrd, that he hath Purchased of M^r Francis Epes a Survey of 150 Acres of Low grounds joining on the Pet^{rs} Upper Line and running along the River towards the Fork thereof, and also the Equity of an Entry for 1050 Acres more lying above the said last mention'd Survey up the Rivanne and between the Pet^{rs} Lower line and the mouth of the Byrd And praying that he may have Leave to take up some Backlands in order to make his Tract in a Regular forme it being in some Places not above 15 Chain Broad It is ordered that according to the prayer of the Pet^r the Surveyor of Henrico be impowered and directed to Lay off for the Pet^r the said Lands in one Tract, Begining at his Corner tree upon the River Opposite to the head of Elk Island thence along the River side to the Fork thence up the Rivanne one Mile; Then Cross the Neck to the Byrd so down the Bird according to its Meanders to the Mouth thereof, and thence up James River to the Corner tree of y^e Pet^{rs} Lower line on the River, thence along his back and up lines to the place where it began and that upon producing a Survey thereof with Rights a Patent be granted him for the same, This Board being Satisfied of his Ability to Cultivate the same according to Law.

The Petⁿ of Joshua Curle praying leave to erect a Wharf within the High water Mark adjoining to his Lott in the Town of Hampton and that a Patent may be granted him for so much Ground as by building the said Wharf he Shall out of the River is refered till the Pet^r produce a Certificate from the Feoffees of the said Town Land, that the Wharf Petd for will not interfere with or be Prejudicial to any of the Common Landings set a part for the use of the Inhabit^{nts} of that Town

The Petⁿ of divers Inhabitants of the Town of Hampton praying that the Wharf erected by George Walker at that Town may be confirmed by Patent to him upon the Conditions therein mentioned is referr^d for the Said Geo Walker to produce a Certificate from the Feoffees of the said Town Land that the said Wharf will not prejudice the Publick Landing set apart by them for the Common use of y^e Inhabitants of the said Town

John Smith of the Town of Hampton Setting forth by his Petition that he having obtained an order of this Board for the Privilege of building a Wharf at the said Town and for laying out the Platt in order to have a Patent and that upon Producing to the Surveyor the said order and requesting him to lay off the space of Ground between M^r James Burwells Improvem^t and the Westside of the Street the said Surveyor refused the same and praying that y^e s^d Surveyor may be Specially ordered to Survey the said Space of Ground which contains 26 Foot in breadth for the Pet^r, On Consideration of the said Petⁿ this Board think fit to refer the same untill the Pet^r do produce a

Certific. from the Feoffees of the said Town Land the [that] y^e Ground Pet^d for is neither with the bounds laid out for publick Landings nor any way Prejudicial to y^e said Town.

August the 13th 1717

Present

The Governor

Edm^d Jenings
James Blair
Phil Ludwell

John Smith
W^m Bassett &
Man Page Esq^{rs}

The Governor this day acquainted the Council that in Pursuance of what was resolved the fourth of May last he had dispatched Captⁿ Chris^r. Smith with a Letter to the Governor of New York and with proper Instructions for Negotiating by the Said Governors Interposition with y^e Senequas and others of the five Nations for obtaining the Liberty of the Cattawba Prisoners taken by them at Christanna a Suitable Reparation for the Affront offered by them to his Majesties Government on that Occasion; And to prevail with them to send Deputies hither in order to renew and Confirm y^e Peace made with this Government in the Year 1685 that in Answer thereto he had rec^d a Letter from Brigadeer Hunter together with what had pass'd between him and the said Indians at Albany the 16th & 17th of June last past upon the aforesaid Message by Captⁿ Smith and the said Letter and Transcripts were now read at this Board containing in Substance (after some accusations against the Cattawba Indians) and acknowledgement of the Mohocks one of the said five Nations that it was they who attackt the Cattabaws at Christanna; That the[y] took only Two Prisoners one whereof made his Escape and came to Virg^a and the other being a Woman has also Escaped after they had brought her into their Country and has since been Seen among the English, but if She can be found they will send her to the Governor of New York to be conveyed back to Virginia. The said five Nations Excuse themselves that they did not know the said Cattabaws to be friends with the English of Virginia and that to prevent all mischief for the future they promise that none of their People shall henceforth go out a fighting this way, they refuse to send Deputies to treat in this Country and insist that Albany being the place where they have always treated this Government should Send over Agent thither to renew the Peace or Covenant Chain made with them 32 Years ago and in General deny their being concerned in the Murder of Major Wynne, the plundering the Traders or y^e the threatning to Cutt of y^e English and Saponies at Christanna.

There also was read at the Board the Transactions of the Gov^r and Council of Pensilvania with the Canastago and Savanno Indians concerning the Part they had in the Aforsaid Insult at the Fort of Christanna the said Savannos ownd that Six of their Indians had accompanied that Party of the five Nations who committed the Murder at Christanna but that their Six Indians were not concerned in y^t Fact. being then encamped at a Considerable distance from the said

Fort; and as to the Murder of Major Wynne the plundering the Indian Traders, or any other murder committed on the People of Virginia they denyed their being Concerned therein.

After reading of which several letters and proceedings This Board came to y^e following Resolutions Viz

That it appears by the Confession of the five Nations that they attack'd Cattabaw Indians at Christanna where they could not but know there was an English Garrison and that y^e said Indians were under the Protection of that Fort

That the said Insult on this Government is a manifest Breach of the Peace made with them in the year 1685 and contrary to y^e promises they have often made not to Injure any of his Majesties Subjects or Indians in Amity with them.

That the Peace of this Government cannot be secure unless the said five Nations are confined in their Ra[n]ges to y^e other side of the Mountains; And the Conastogo, Savanno & other Indians in Confederacy with the said five Nations restrained from passing Potomack River on this side the great mountains

That the constant Excursions of the said five Nations and their Dependants along the Frontiers of this Colony and their Correspondence & frequent marches to and from the Tuscoruros has occasioned a Vast Charge & Trouble to this Country in keeping Rangers for its necessary Defence.

That the said five Nations insisting on their treating no where but at Albany, & that his Majestys Governments should send Agents to treat with them there is dishonourable to his Maj^{ties} said Governments

That therefore it is fit to represent to his Maj^{ty} y^e necessity of confining the said Indians to y^e other side the great mountains and that they be made Sensible the Considerable Presents which his Majesty is pleas'd to make them are intended to Secure their Friendship to all his Majesties Plantations on this Continent; not to that Province alone where the said Presents are delivered.

And upon Consideration of a Proposal communicated by the Govern^r for making a Settlement and erecting a Fort at the late discovered Passage over y^e Great Mountains and Addressing his Maj^{ty} that the said proposed Fort and that at Albany be Alternately the places for discovering his Majesties Presents to & renewing the Alliances with the said Indians The Council are unanimously of Opinion That if his Majesty shall be pleas'd to give such directions of the same will be a means of creating a better Correspondence between y^e said Indians and this and the Neighbouring Provinces whose Agents can more conveniently repair to the Aforesaid Passage in the Mountains yⁿ to Albany whenever the Affairs of the said Respective Govern^{ts} require their Conference with the said Indians Besides that the delivering the presents to the said Indians there; will make them more sensible than they seem at present to be, That his Maj^{ty} respects a return of so great a Benevolence, that their Friendship should Extend to all his Maj^{ties} Plantations as well as to that where they have heretofore been accustomed to recieve the same

And forasmuch as the Governor was pleased to Signifie his Intentions of going next month as far as Philedelphia there to have an Interviewe with y^e Governors of New York Maryland & Pensilvania for the better concerting the Proper Measures to keep all y^e Indians under the respective Governm^{ts} in Amity with his Majesties Subjects, The Council are of Opinion that it is necessary some Speedy Measures be taken to bring the Indians Especialy y^e 5 Nations to a better Observance of their Treatys and a more Just regard to this and y^e Neighbouring Colonys to which such a Concert of so many of His Mat^{ies} Governors may greatly Contribute.

On reading at This Board a Letter from Christanna, giving an acc^t of some Murders lately committed by the Maherine and Saponie Indians on one another It is ordered that y^e difference between y^e said Indians be examined in Council at y^e next Gen^l Court and in the mean time the Governor was pleased to declare that he would send for the Chiefs of all the Tributary Indians and engage them to forbear all Hostilities on one another until the Differences between them be examined and Determined at this Board

On consideration of the acc^t Exhibited by M^r Christ^r Smith of his Expences in going to new York & Albany for his Majesties Service it is ordered that there be paid him out of His Majesties Revenue of 2 Sh^s per hh^d &c y^e sum of fifty Pounds being for one half of the Expence of his Journey & Recompence for his Trouble the Virginia Indian Company having agreed to pay him y^e other half.

On reading at this Board a Letter from M^r Thomas Lee Naval Officer of Potomack River setting forth that there is lately arived there from Barbadoes a Ship belonging to Glasgow having on Board two Bundles and three Chests of European Goods for which y^e Master hath no Cocketts to produce and some Sugar and Molasses more than is contained in his Clearance from that Island. That the said Master reported both the said European Goods and Enumerated Commoditys on his Entry and declared that the first was the remains of his Cargo imported from great Brittain into Barbadoes for which he produced latter Cocketts there, and the latter put on Board by his Merchant while he was Sick and that he did not discover its being omitted in his Clearance till some days after he put to Sea and thereupon y^e said Naval Officer praying Directions of this Board whether y^e said Ship and goods are Seizable the Master having produced a Reg^r and the Certificate of his giving Bond and all other Necessary Testimonials of his being qualified to Trade, The Council taking the said Case into Consideration are of Opinion that there does not appear any Fraud in the Shipping of the said Goods which is what the Acts of Trade seem Principaly regard and therefore think it improper to put the Master of the said Ship to any trouble seeing he appears in all other Respects to be Duly Qualified: But that upon his giving bond in a Reasonable time to produce a Certificate either from the Officers of the Port from whence he cleared in Great Brittain and the said Goods were duly shipp'd there or from y^e Officers in Barbadoes that y^e same were duly imported and Cocketts produced there he be permitted to Trade: And forasmuch as y^e Sugars imported are liable to a Duty

upon their Exportation from Barbadoes according to y^e Act of Parliament made in 25th of King Cha y^e 2^d and after y^e duty of 4½ per Cent by the Laws of that Island, It is ordered y^t before the Ship is permitted to Trade the said respective Dutys be demanded & recd by the Collector of Potomack and accounted for to the Comm^{rs} of his Majestys Customs or other proper Officers appointed for recieving the same.

M^r Henry Irwin Naval Officer of the lower district of James River Representing to this Board that he having accepted a Bill from the M^r of the Ship drawn on Edw^d Hill Esq^r Owner of the said Ship for the Tonnage Dutys w^{ch} he to be his duty to Demand the said Master not producing any Freedom to entitle him to the Priviledge granted by Law to Virginia Owners, The said Edw^d Hill hath refused to pay the Aforesiad Bill—And praying relieff therein This Board think fit to refer the Consideration thereof until they are Satisfied whither the said Edward Hill is willing to Submit to the Gov^r and Council the Determination of this dispute

On the petition of George Walker of Hampton Merchant for confirming to him an his heirs the property of a Wharf erected at his Charge within the high Water mark and the End of the Street Called Kings Street in the said Town, a Certificate being produc'd under the hands of W^m Lowry and W^m Bosswell Feoffees of the said Town land, that the said Wharf is no way Prejudicial to the publick Landing laid out for the Conveniency of the Inhabitants but rather an Advantage to the said Town, The Governor with y^e advice of y^e Council is pleased to order as it is hereby ordered that upon producing a Survey describing the Bounds of the said Wharf a Patent be granted the said George Walker for the same with this Express Condition that the same Shall not be enlarged beyond the present Extent thereof nor any building erected thereon to the Prejudice of y^e said Town

On the petition of Joshua Curle of Hampton Merch^t praying a Grant of so much ground as he can gain out of the River within the high water mark opposite to his own Lotts in the said Town in order to build a Wharf a Certificate being produc'd under the hands of The Feoffees of the said Town that y^e place petitioned for doth not interfere with, or is any ways prejudicial to the publick Landings set a Part for y^e said Town, The Governor with the Advice of the Council is pleas'd to order as it is hereby ordered that Leave be granted that [to] y^e said Joshua Curle to take up the Beach opposite to his said Lott or Lotts and to gain so much more Ground out of the River as he Shall think convenient for Erecting a Wharf and that upon producing a Survey to describe the Bounds and Quantity thereof a Patent be granted him to confirm the property to him and his Heirs for ever Provided always that if the said Joshua Curle his Heirs or assigns Shall not within three Years from the date hereof erect a Wharf thereon as far as the Sea now Ebbs that then this Present Grant and Licence shal be void.

On reading at this Board the Petⁿ of W^m Dandridge praying leave to take up the Beach or Ground lying within the high water mark at Hampton from the East Side of Kings Street and Extending Easterly to the uttermost Bounds of Wilson Curles Lotts in the said Town,

and that the said Ground together with so much more as he Shall gain out of the Water may be confirmed to him by Patent for his convenience in building thereon A Certificate being produced under the hands of the Feoffees of the said Town that y^e Ground pet^d for is none of y^e publick landings set apart for the Conveniency of the Inhabitants, The Governor with the Advice of the Council is pleased to order as it is hereby ordered that leave be granted y^e said William Dandridge to take up the Beach or Ground aforesaid and to gain as much more out of the Water as he Shall think convenient for erecting a Wharf and other buildings thereon, And that upon returning a Survey describing the Bounds and Quantity a Patent be granted to Confirm the property thereof to him and his Heirs forever, Provided always that if the said W^m Dandridge his Heirs or Assigns Shall not within 3 Years from the date hereof erect a Wharf or make such other Walls and Improvements as far as the Sea now Ebbs that then this present grant and Licence shall be void

On reading at this Board the Petition of Richard Fitzwilliam Esq^r praying leave to take up the Beach or ground lying within the High-water marke from the west Side of the Wharf late belonging to James Burtell dec^d and extending Westward between the Street and the Creek Issuing out of y^e west side of Hampton River to the uttermost Bounds of Geo Lukes Lotts A Certificate being produced under the hands of the Feoffees of the said Town that y^e beach or Ground above mentioned is no part of the public Landings appropriated for the use of the Inhabitants, The Governor with the Advice of the Council is pleased to Order as it is hereby ordered that Leave be granted the said Richard Fitzwilliam to take up ye said Beach or Ground and to gain as much more out of the Water as he shall think convenient for erecting a Wharf and other buildings thereon, And that upon returning a Survey describing the Bounds and Quantity a Patent be granted to confirm the property thereof to him and his Heirs forever, Provided &c.

On the Petition of Tho^s Hawstead setting forth that he entered some Years ago for a Tract of Land in Nansemond joining on the Land of Edward Barns and running thence along the Cyprus Swamp to the head thereof and thence to the Pine Swamp and crossing the same to the lines of John Porter and Joseph Baker, and thence to Blackwater or River and so a long the same to the first Station: but being informed that Part of the said Entry is within the Controverted bounds between this Government and N^o Carolina he therefore prays Liberty to make use of the said Land untill the dispute be determined he being willing to pay Q^t Rents for the same from the time of his Entry, The Governor with the Advice of the Council is pleased to order as it is hereby ordered, that Leave be given the Pet^r to Survey forthwith so much of the said Tract as is indisputably within this Colony and for the remainder in Case it appear upon the Determination of the Boundaries that y^e same is also within this Colony the Pet^{rs} Entry shall be deemed preferable to any other he paying the Quitt Rents for the same as he hath offered.

Whereas this Board are informed of divers abuses in the manner of taking up Lands such as the keeping possession of Land for many Years upon a bare entry or Survey, without any Patent & the making

Entrys for such Land as are found proper for the Manufacture of Pitch and Tarr & immediately upon such entry gathering and Burning the Lightwood without ever designing to take out Patents for the same whereby his Majesty is greatly defrauded of his Quitt Rents and others who would take up and improve the said Land deprived of the Benefit thereof: for prevention of such Practices for the future The Governor with the Advice of the Council is pleased to order as it is hereby ordered That where any Survey of Land Shal be made if the Person for whom the same is made do not return the Platt and Survey into the Secretarys Office in order to have a Patent thereupon by the last day of the succeeding Gen^l Court next after the said Platt and Survey Shall be given or tendered, him or them by the Surveyor that then such Entry Shall be void, and it Shall be free for any other Person to take up and Patent the same Land as if no Survey had ever been made thereof, and if any Person Shall presume to gather Lightwood or make any other use of any of his Maj^{ty}s Land before he hath obtained a Patent for the same such Person Shall be prosecuted for a Tresspass notwithstanding his having entered or Suveyed the same, And it is ordered that publication be made thereof by the Sherifs of the Respective Countys that none may pretend Ignorance

Ordered that a Proclamation Issue giving further time for cancelling the Old Treasury Rights and notifying such Persons as are possessed of the same that none of the said Rights will be rec^d or exchanged after the last day of the next General Court.

William Kimball Interpreter to the Saponie Indians by his Petition setting forth that for these two Years past he had rec^d no Sallary for the Execution of that Office and that his Circumstances are such that he cannot Support himself and Family untill a meeting of the Assembly by whom his Sallary is to be paid and praying that this Board would order some Advance to be made him upon the Credit of his s^d Sallary This Board taking into Consideration the necessitious Circumstance of the Pet^r, have thought fit to order that his Majesties Rec^r Gen^l advance to the Pet^r y^e sum of £10 so much out of his Salary and take care that his Maj^{ties} Revenue have Credit for the same at y^e next Gen^l Assembly

Ordered

That a New Commission of the Peace Issue for the County of York with the Addition of sundry Justices

Ordered

That John Clayton Esq^r be added to the Commission of the Peace for James Citty County and placed first in the said Commission.

November y^e 12th 1717

Present

The Hon^{ble} the Lieut Governor

Edmund Jenings

John Smith

James Blair

William Bassett

Philip Ludwell

Nathaniel Harrison &

Man Page Esq^{rs}

His Majesty by Order in his Privy Council bearing date the 31st of July 1717 having been pleased to signifie his disapprobation & dis-

allowance of the Act of Assembly passed here in the year 1713 Ent^d an Act for preventing Frauds in Tobacco payments &c and of the Act continuing the aforesaid Act to the 10th of November 1718 and also of the Act pass'd in the year 1714 Ent^d an Act for the better Regulation of the Indian Trade It is ordered y^t a Proclamation Issue declaring his Majesties Pleasure therein and that y^e said Act[s] are repealed and made void.

The Governor acquainting the Council that by the Repeal of the Act for the better Regulating the Indian Trade The Virginia Indian Company is dissolved which has hitherto kept up the Fort of Christanna, maintained the Guard and Supported the Hostages of the Southern Indians, and desiring the Advice of the Board how the said Fort and Guard shall be maintained for the future and how the Hostages shall be disposed of, if it be thought fitt to Slight that Fort The Council do thereupon declare their Opinion That the maintaining the said Fort and Guard and keeping the Hostages is a Conveniency and Security to this Government And that therefore the said Fort be maintaining and the Hostages kept untill the Meeting of an Assembly, Since it may prove of dangerous Consequence to dismantle the one or return the other at a time when the Northern Indians threaten the destruction of our Tributarys settled at that Fort, and that the late murders committed by the Indians on the English at Roanoke River and other Parts of N^o Carolina give just apprehension of further Hostilitys on that Frontier of this Colony which That Fort was intended to defend. And in regard the late Indian Company have their Effects at the said Fort (which probably they cannot immediately remove) and have made preparations for putting the same in better repair, This Board are further of Opinion that it be recommended to the said Company to go on with repairing the Fortifications and to continue the same Guard as formerly, and also to take care of the Hostages until the Gen^l Assembly shal take Measures therein, assuring them that the Government will reimburse the Charge thereof. And whereas the said Company have by opening a Trade settled a good Correspondence with the Southern Indians, which may be interrupted again if the said Trade should be discontinued before the General Assembly have ma^d provision for the better Regulation & Improvement of that Commerce. The Governor is requested to use his Interest to encourage the Members of the said late Company to continue their said Trade. And because the discontinuing the School at Christanna may give Umbrage to the Indians as if all further care of their Children should Cease, The Governor was pleased to declare he would continue the same allowance to the School Master as heretofore, until it be known whether the Gen^l Assembly think fit to keep up that Fort which is necessary for the security of the Indian Hostages educated at y^e said School.

Whereas the Governor was pleased to informe this Board that the Scales and Weights sent in by M^r Perry for the use of the Agents appointed for the better execution of the Act for preventing Frauds in Tobacco payments &c are charged to his (the Governors) private account, altho the Price thereof was directed to be recieved here and

remitted to M^r Perry by M^r Byrd his Majesties late Reciever Gen^l It is ordered that y^e present Reciever Gen^l do collect what money is yet due from the Several Agents, and take care that the ballance due to M^r Perry be satisfyed, And that he certifie to the said Perry that y^e ballance due to him is not be charged to y^e Account of the Governor

On reading at this Board a Letter from the R^t Hon^{ble} The Lords Comm^{rs} of Trade dated the 16 of May 1717 Signifying his Majesties Pleasure for prohibiting all Illegal Trade with the French Settlements in America pursuant to the 5th & 6th Articles of the Treaty of Neutrality concluded between the Crown of Great Britain and the French King, And on reading also a Letter from y^e Right hon^{ble} his Majesties principal Secretary of State date y^e 8th of July 1717 Signifying his Majesties Pleasure for prohibiting all Correspondence with the Island of Martinico, which has revolted from the French King, It is thereupon ordered that a Proclamation be prepared for prohibiting the said Commerce and Correspondence pursuant to his Majesties Pleasure Signified therein, & a Proclamation was prepared accordingly and ordered to be issued

November the 13th 1717

Present

As Yesterday

The accompt of contingent Charges of the Government for the last half Year being laid before this Board was examined and passed

Whereas Captⁿ Tho^s Howard Commander of his Majesties Ship Shoreham hath desired a Certificate from the Governour and Council of the difference between Current money taken up in this Colony and Bills of Exchange in order to y^e passing his accounts of divers Sum expended for the repair of his Majesties Said Ship and other Services This Board do accordingly Certifie that y^e Common Course of Exch^a between Current Money and Bills where such Bills are Certain to be paid according to y^e time at which they are drawn is usually five or Six per Cent but where such Bills are doubtfull and the payment thereof according to the time uncertain they generally go at Par.

Edmund Berkeley Esq^r Present

The Governor having communicated to this Board his Negotiations with Brigadier Hunter Gov^r of New York for securing the Peace of this Colony by preventing the Incursions of the five Nations under that Province and having also communicated at Representation of the several Hostilitys committed by the said Indians notwithstanding their former Treatys together with two preliminary Articles offered to y^e said Indians; And y^e same being read at the Board, are approved as absolutely necessary to be insisted on before any farther Treaty be set on foot with the said five nations.

On reading at this Board a Petⁿ of the Freeholders and Inhabitants of the City of Williamsburgh praying that for the encouragement of

the said Place now the seat of Government a Charter may be granted for incorporating the Inhabitants of the said City by such name and with such priviledges and Immunitys as shall be thought fit for the Good Government and improvement thereof It is the Opinion of the Council that y^e granting a Charter for incorporating the said Inhabitants of the said City, for granting the Privileges of Fairs and Markets and other Immunity for the Good Government of such as Shall come to reside therein will tend to y^e increase and Encouragement of the said City.

William Lyell by his Petition praying to be paid for Piloting the Carolina Sloop which came hither to Transport Soldiers to that Province in 1715 from Hampton to York River and back again for which Service he hath rec^d no Satisfaction, It is ordered that it be refered to M^r George Walker to Certifye what allowance is due to the Petitioner for that Service and that y^e same be paid out of his Majesties Revenue of 2 Shill^s per hh^d upon producing such Certificate.

This Board taking into Consideration That by the Repeal of the late Act for preventing Frauds in Tobacco payments It is become necessary to alter the Method prescribed by the late Scheme for Collection of the Q^t R^{ts}

It is thereupon ordered That the Q^t Rents be Collected in the same manner they were before the aforementioned Law was made: With this only difference, That in the Warrant for collecting y^e said Quitt Rents the Sheriff be directed to account for the Species they recive whither it be Bills of Exch^a, Spanish Silver of Còvill Pillar, or Mexico Coin 17½ dwt^s for 5 Shill^s or in Tobacco, and that the Tobacco recieved be sold by the Rec^r Gen^l at Publick Auction in April Gen^l Court and the Officers of the Revenue are to take care that a Forme be sent to the Sheriffs for the more Regular making up their Rent Rolls.

And it is further ordered that the Officers of the Revenue do sent[d] to the Sheriffs an account of all Arrears of Quitt Rents due in their respective Countys, And that y^e Sheriffs be and they are hereby directed to make a demand as well of the Arrears mentioned in such acc^t as of all other Arrears which they shall be able to discover to be due to his Majesty within the said County and in case any one shall refuse to pay the said Arrears y^e said Sherifs are further required to Certify the reasons given by each particular Person for such Refusal.

On Complaint made to the Governor by the Captains of his Majesties Ships of War attending this Station of the desertion of their Seamen it is ordered that a Proclamation issue for putting the Laws in Execution against such Deserters and all Persons that shall harbour or conceal them

The Governor asking the Opinion of the Council when it will be fitt to call an Assembly, This Board do thereupon declare it is their Opinion the fourth of March will be a proper time for that Purpose.

Ordered That a New Commission of the Peace issue for the County of Westmorland and that M^r Thomas Newton M^r Jn^o Fitzhugh and M^r Nathaniel Pope be added to the said Commission.

On the Petition of Anne Lowry setting forth that She arrived in this Colony with her Family from the Island of Nevis and im-

ported one Negro Woman and four Children one of which is since dead, & praying to be excus'd from paying the Dutys on the said Negroes, since she is uncertain whether she shall continue in this Colony. It is the Opinion of the Council and accordingly ordered that the Petitioner be at present excused from paying the dutys on the said Slaves upon her giving Security for Answering the same in case any of the said Slaves be either exposed to Sale here, or that y^e Pet^r continues to dwell in this Colony until the 10th of June next

Upon reading at This Board the Petition of Henry Irwin Gent in behalf of the owners of the Ship Fraternity of Bristoll Setting forth that in May 1716 the said Ship came loaded with Tobacco from Maryland bound for the said Port of Bristoll but by Stress of Wether was drove a Shore in Lynhaven Bay and Stranded the Master and 4 of the men drowned and the Reg^r and Clearances and other papers of the said Ship lost, that by Orders from M^r Lyonell Long Merch^t in Bristoll he the Pet^r got the Ship of the Ground and has now repaired and fitted her for Sea, but forasmuch as there may be some difficulty Occasioned if the said Ship should take on board any of the Enumerated Commodities not having a Register to produce whereby it might appear that the said Ship is duly qualified to Trade in y^e Plantation and that it will be a great loss to y^e Owners if She should be sent home in Ballast seing it appears by her lading in Maryland there was proper Vouchers of the Qualification of y^e said Ship and therefore praying that a Certificate may be granted setting forth the occasion of the loss of the Register and other Papers and giving Leave for lading the said Ship with the Enumerated Commodities notwithstanding the want of such Register

The Council having taken the said Matter into Consideration and being fully satisfied that y^e loss of the Register was occasioned by the aforementioned Misfortune are of Opinion and it is accordingly Ordered that a Certificate be prepared according to the Prayer of the above Petition, And that the said Ship be permitted to Trade in this Colony the pet^r giving Security for carrying the said Ladeing to Bristoll or some other Port in Great Brittain and also for returning a Certificate in Eighteen Months after her Departure from Virginia that the said Ship is duly registered and legally quallified for Trade in his Maj^{ty}s Plantations.

M^r Attorney Gen^l haveing reported his Opinion on the Petⁿ of Mary Bass in the following Words Viz On Consideration of the Case set forth in the Petⁿ of Mary Bass referred to me by order of y^e Governor in Council bearing date y^e fourth day of May last past.

I humbly concieve the said Mary Bass having sold her Right and Interest in the Lands in the said Petition mentioned to M^r Joseph Walker as is set forth in the Petition, is not the proper person to make a Surrender of the Patents by which the said Lands were originally granted but that the said Joseph Walker, the Purchaser under the said Mary Bass may before the Judges of the Gen^l Court in Chancery Surrender the said Patent & all his Right Title and Interest in the Lands therein mentioned to the King which Surrender ought to be recorded and the Patent Cancelled, And after such Surrender and

Record thereof made, I am of Opinion that His Majesties Lieut Governor may grant the said Lands in the Kings name to y^e said Joseph Walker in Fee, upon such Conditions as shall be most advantageous to his Majesty and under such Annual Rents as are usually reserved in which Grant so to be made it will be necessary to mention the surrender of the former Patent

All which is humbly Submitted
to your Hon^{rs} Judgment by your
most Obedient Servant

June y^e 10th 1717.

John Clayton Att Gen^l.

The Governor and Council approving of the said Report, It is ordered that a Patent be granted the Assignee of the Said Mary Bass upon his surrender of the first grant as is proposed in the said Report.

On the Petition of Edmund Jennings Esq^r leave is granted him to take up twelve hundred Acres of Land in one Tract in the County of King William, This Board being satisfied of his Ability to Cultivate the same according to Law.

John Jones petitioning this Board for stopping a Patent sued out by W^m Hunt for Land in Surry County It is ordered that y^e pretensions of the Petitioner be heard before the Governor in Council on the 3^d day of next Gen^l Court, of which the Petitioner is hereby directed to give the said Hunt due notice, and that no Patent Issue for the said Land till the Partys be heard.

Whereas pursuant to the Resolutions of This Board divers parcels of the Land heretofore possessed by the Saponie Indians have been sold and the Purchase thereof applyed towards the new Settlement of the said Indians at Christ^a. It is ordered that consideration to be mentioned in the Patents for the said Land be for divers Services performed towards making the New Settlement for the Saponie Indians at Christ-anna pursuant to the Treaty with that Nation

The following Warrants were this day Signed by the Governor in Council to be paid out of his Majesties Revenue of 2^s per hh^d Port Dutys and head money Viz^t

To the Governor half a Years Sallary ending the 25 th of Oct ^r last.....	£ 1000
To the Gent ⁿ of the Council half a years Sallary ending the same time.....	£ 175
To the Auditor Gen ^l of the Plantations half a years Sallary.....	£ 50
To the Solicitor of the Virginia Affairs half a years Sallary.....	£ 50
To the Attorney Gen ^l half a years Sallary.....	£ 20
To The Clerk of the Council half a years Sallary.....	£ 50
To the Gunner at James City $\frac{1}{2}$ a years Sallary.....	£ 5
To the Armourer half a Years Sallary.....	£ 6
To the Judges and Officers of the Court of Oyer and Terminer held last June.....	£ 100
To Severall Ministers for their Attendance one Gen ^l Court.....	£ 5

To W^m Robertson for sundry Expresses and other
Contingent Charges..... £99:12^s:9^d

And out of the Quitt Rents

To M^r Commissary Blair $\frac{1}{2}$ a Years Sallary.....£ 50
To Coll^o Nath^l Blakiston $\frac{1}{2}$ a Years additional Sallary.£ 100
To the Att^y Gen^l $\frac{1}{2}$ a years addl Sallary.....£ 30

On reading at this Board the Petition [of] Tho^s Spight of the Province of N^o Carolina Merchant Setting forth that in June last he imported into this Colony in a Vessel belonging to M^r Sam^l Smith of Elizabeth River divers Casks of Rum which he afterwards carried over Land into the said Province of N^o Carolina as by the Certificate of the Customhouse Officers there may appear but forasmuch as the Pet^r was obliged to pay down the Duty of the said Rum before he could permit to Land the same in this Colony he therefore pray'd that y^e Rec^r of the said Dutys in the Lower Districkt of James River may be directed to return the said Dutys seing the Liquors for which the same were paid were not intended for Sail here, but was directly exported, The Gov^r with the Advice of the Council is pleased to order as it is hereby ordered that the Rec^r of the Virginia Dutys on Liquors in the Lower District of James River return to the Pet^r Money paid by him for the Dutys of the aforesaid Rum it appearing to this Board that y^e same was duly exported without being exposed to Sail in this Colony & so not liable to the payment of the aforesaid Duty.

January the 9th 1717

Present

The Governor
Edm^d Jennings James Blair &
John Lewis Esq^{rs}

His Majesty having been pleased to send in a New Seal for this Colony together with a Warrant for the Governors using the same, the said Warrant is ordered to be entered in the Council Office, And pursuant to his Majesties Commands the Old Seal was this day broke in Council

The Governor laid before the Council his Majesties Additional Instruction bearing date at Hampton Court the 27th day of September 1717 in the fourth Year of his Majesties Reign whereby his Majesty is pleased to Signify his Royal Will and Pleasure that the Governor do not for the future pass any Act which may any ways affect the Trade or Shipping of Great Brittain without a Clause expressly declaring that the said Act shall not be in force until it be approved and confirmed by his Majesty his heirs or Successors. And the said Instruction is ordered to be entered in the Council Office.

His Majestys Warrant countersigned by the Right Hon^{ble} the Lords Comm^{rs} of the Treasury for paying to Francis Kennedy Esq^r the sum of £250 out of the Quitt Rents in consideration of his trouble

in going to South Carolina on the Publick Service of this Government was read and ordered to be entered in the Council Office.

Ordered that Jn^o Clayton Esq^r be appointed first Commissioner of the Peace for the County of James City and that a new Commission issue accordingly for the said County.

Ordered that Jn^o Holloway Esq^r be appointed first Comm^r of y^e Peace for the County of York and that a New Commission of the Peace issue accordingly for the said County with y^e Addition of the Several Persons recommended to the Governor for the Court of that County.

The Governor taking Notice of divers inconveniencys occasioned by the delay of filling up the places of Surveyors when the same become Vacant by death or otherwise and particularly in the County of New Kent where there has been no Surveyor for a considerable time, And thereupon M^r Commissary Blair in behalf of the Trustees of the Colledge of William and Mary acquainting this Board that one John Syme of the same County had made application for that Office and was particularly recommended by the Justices y^r [thereof] of The Governor and Council declared their Satisfaction with the said Syme, but the final approbation of him is referred till a fuller Council.

The Consideration of removing the Arms and Stores of War dispersed through the several Countys to the publick Magazine is referred till a fuller Council

The consideration of delaying the meeting of the Assembly is refered till a fuller Council

January the 16th 1717

Present

The Governor

Edmund Jenings

Phil Ludwell

James Blair

Nathaniel Harrison &

Man Page Esq^{rs}

A Copy of Letten Patents granted by his Majesty bearing date the 17th day of September 1717 in the 4th year of his Majesties Reign to Henry Rainsford Esq^r for an Annuity of £500 per Annum for 31 Years payable out of his Majesties Revenue of Q^t Rents being attested under the Great Seal of the Mayoralty of the City of London was read and ordered to be entered in the Council Office and delivered to y^e Rec^r Gen^l for his Warrant for paying the said Annuity.

Ordered That the Arms and Stores of War belonging to his Majesty which were dispersed through y^e several Countys in the time of Coll^o Notts Government be called in and lodged in his Majesties Magazine at W^m^sburgh the same being in danger of becoming unservicable for want of due care taken thereof

For preventing the Inconveniencys which may be occasioned to his Majesties Service as well to the prejudice of his Subjects by the Vacancy of the Officers of Surveyors of the Several Countys until the meetings of the Visitors and Governors of the Colledge, who have had the Nomination of those Officers, It is the Opinion of this Board that so soon as possible after any of the said Officers [Offices] become Vacant

The Trustees of the Colledge do nominate fitt persons and present them to the Governor and Council for approbation without waiting for y^e Genl. meetings of the said Visitors and Governors.

M^r John Syme having been presented in behalf of the Trustees of the Colledge as a fitt Person to execute the Office of Surveyor of New Kent County was this day approved by the Governor and Council if upon Examination by the Surveyor Gen^l he be found duly qualified for that Office.

M^r Christopher Jackson being nominated Surveyor of the County of James City, and this day presented to y^e Gov^r and Council for approbation was accordingly approved.

The Governor asking the Opinion of the Council whither they are still Inclenable to have the Assembly convened the 4th day of March, upon consideration of the Inconveniencys attending their meeting so early in the Spring And the advantages of delaying the same till the Season be more advanced It is the Opinion of this Board that the meeting of the Assembly be put off till the 23^d of April and that Writts issue accordingly.

On the Petⁿ of Rob^t Baylor leave is granted him to take up 4000 acres of Land in one Tract and 2000 Acres in another in the County of King William This Board being satisfied of his Ability to Cultivate the same according to Law.

On the Petition of Edmund Taylor, Phil Todd, Augⁿ Moor & Larken Chew Leave is granted them to take up 4000 Acres of Land in the County of King W^m this Board being satisfied of their Ability to cultivate the same according to Law.

March the 12th 1717

Present

The Governor

Edm^d Jenings
James Blair
Phil Ludwell

John Smith
Jn^o Lewis &
W^m Bassett Esq^{rs}

The Governor having communicated to the Council a Letter from Major Thomas Jordan of Nansemond County and another from the Great men of Nansemond Indians giving an account of a great Body of the Senequa Indians now at the Tuscoruro Towns, and y^t a Party of the said Senequa Indians had lately come into the Neighbourhood & surprized and carryed away Captive a Nansemond Indian Woman, And the Gov^r thereupon desiring the Advice of this Board what Measures are proper to be taken for preventing Incursions of the said Senequas and other Northern Indians, and for protecting his Majesties Subjects living on the Frontiers, as well as the Indians Tributarys from the dangers to which they are exposed by such Incursions; The Council are of opinion, that it is necessary the Frontier Countys be put in a Posture of Defence, and for that end that the Comanding Officers of the Militia do give immediate Orders for particular Musters of each Troop and Company and that the Officers of such Troops and Companys do take care that their men be provided with Arms and Amunition ac-

cording to Law, & in a readiness to march for the defence of the Frontier in case any attempt be made by the Senequas or other Indians on this Government And that the commanding Officers do also use all proper means to informe themselves of the designs of any Indians that shall be discovered on the Frontiers, and in case of apparent danger to give immediate notice to the Governor:

On the Petⁿ of Tho^s Crooke of the County of King W^m Merchant Leave is granted him to take up 5000 Acres of Land in one Tract lying in the said County begining at the mouth of Pidgeon River this Board being satisfied of his Ability to cultivate the same according to Law

On the Petⁿ of Rich^d Cocke of Henrico County Leave is granted him to take up five thousand Acres of Land in one Tract lying on the Fork of James River in the aforesaid County this Board being satisfied of his Ability to Cultivate the same according to Law.

Daniel Blouett having signified by a writing under his hand that he hath accomodated the difference between him and Bartholimew Dupuy concerning the Right to a parcell of Land at the Mancan Town It is thereupon ordered that the Caveat entered by the said Blouett be dismiss and that Patent for the said Land be granted to y^e said Bartholimew Dupuy.

Whereas it has been represented to this Board that the Justices of Eliz^a City County have neglected to lay the Levy, and also occasion great delays of Justice by not holding Courts as they ought to do, It is the opinion of this Board that the Clerk of the Council write to the said Justices intimating to them that if they do not proceed to dispatch the business of the Court, it is expected they depute some of their Members to attend this Board on the first day of the next Gen^l Court to render an Account of the Cause of such obstruction of Justice

The Governor acquainted the Council that now the business of the Day was over he desired an Explanation of one Paragraph in a Letter to the R^t hon^{ble} the Lords Comm^{rs} for Trade and Signed by eight of the Council whereof 5 are now present, which paragraph he read in these Words.

“The Council have always paid the utmost deference to
“the Governor and have complied as far as possible with his
“desires in everything; but had they gone intirely into all the
“new measures that have been proposed to them and prest
“upon them, We are doubtfull the Consequences would have
“been very bad

And desired to know what was the New measures that had been thus prest upon them.

To which the Council the Subscribers of the said Letter answered, That this Question being unexpected, they did not think proper to give an immediate answer, but desired time for that purpose till the General Court when all those that signed the Letter will be present.

Whereupon the Governor replied that he would not press them in time, Yet he thought an hour was Sufficient for five of them to give some instances of what they had alledged, that he would therefore give them an hours time to consider and wait here till they had done:

but if they did not think fit to give an answer now; they might have what further time they pleased

April the 18th 1718

Present

The hon^{ble} the Lieut Gov^r

Edm^d Jenings
Robert Carter
James Blair
Phil Ludwell

John Smith
John Lewis
W^m Bassett
Nath^l Harrison &
Edmund Berkeley Esq^{rs}

On Reading at this Board the Petition of Joh Grymes Esq^r Deputy Auditor of his Majesties Revenues praying directions what allowance shall be made to y^e Sherifs for Collecting his Majesties Quitt Rents It is the Opinion of the Council and accordingly ordered that there be allowed the said Sherifs the Sum of Ten per Cent for all money or Tobacco recieved by them in discharge of the Quitt Rents and that for the inconvenient Countys a further allowance of four per Cent be given the Sherifs for all the Tobacco they have recieved therein, And whereas divers Persons have paid their Quitt Rents directly to the Rec^r Gen^l altho it is probable the Sherifs have been at y^e trouble of demanding the same on the Land the Council are further of Opinion that for compensating the trouble of the said Sherifs had therein they be also allowed the same Sallary on what has been paid to y^e Rec^r Gen^l as if they had Actually recieved Such Qt R^{ts} in their respective Countys.

Ordered that the Tobacco paid for his Majesties Quitt Rents be sold at Auction at y^e Capitol the first day of May next and that the Officers of the Revenue give timely notice of such Sale

And upon Consideration of that Part of the Deputy Auditors Petition w^{ch} relates to the Sherifs being accountable for all the Lands held in their Respective Countys it is the Opinion of the Council and accordingly ordered that y^e several Sherifs be obliged to make good the highest Rent Roll that has at any time been returned from their Respective Countys And where the Sherif Shall make appear by his Oath that he hath not recieved so much money or Tobacco as the said Rent Roll amounts to, that he be obliged to pay the Remainder in money

April the 23^d 1718

Present

The Governor

Edmund Jenings
Robert Carter
James Blair
Phil Pudwell
John Smith

John Lewis
Will^m Basett
Nath^l Harrison
Man Page and
Edmund Berkely Esq^{rs}

On hearing this day in Council the Complaint of the Great Men of the Saponie Indians setting forth that one Nathaniel Malone of the

County of Surry having purchased an Indian Woman of their Nation taken Captive by some Forreign Indians, The said Great Men in order to redeem her out of Slavery had treated with the said Malone for the purchase of her Freedom for 120 Bucks Skins, and paid down 90 offering Sufficient Pawn for the payment of the Remainder, but the said Malone refusing to deliver the said Woman till he was paid the whole, It has happened since that the Woman is Dead in the said Malones Service and praying that they may have their Skins restored to them It is ordered that Malone be and he is hereby required personally to appear before this Board or on before the tenth day of next Monthe to Answer the said Complaint and that he give timely notice to the Great men of the said Nation of the day he intends to make his appearance of the end they may be present to make out their Complaint

On the Petition of the Pamunky Indians Complaining that Philip and George Sutherland a Thomas Spencer under pretence of a R^t to certain lands within the Circle laid out for the said Indians, have cleared Ground and committed other Trespasses on the lands properly belonging to the said Nation and praying Relieff therein, it is ordered that unless the Said Philip and George Sutherland and Tho^s Spencer do on or before the first day of October next make appear to his Majesties Attorney Gen^l what R^t they claim to any Lands within the Circle laid out for the said Indians, for what quantity, and by What Bounds: That then the said Attorney Gen^l do prosecute them as Trespassers.

The Chicahominy Indians complaining that Thomas Mallory of King William County hath dispossessed them of their Lands whereon they were Lawfully Seated It is referred to the Attorney Gen^l to examine into the Grounds of that Complaint and to report the same together with his opinion thereon to this Board.

April the 30th 1718

Present

The Governor

Edmund Jenings
Robert Carter
James Blair
Phil Ludwell
John Smith

W^m Bassett
W^m Cocke
Nath^l Harrison
Man Page &
Edmund Berkeley Esq^{rs}

Whereas the Governor was this day pleased to informe the Council that M^r Irwin Naval Officer of the lower district of James River having made Seizure of and Commenced a Libell against the Scooner George of Jamaica for Illegal Trading Rich^d Fitzwilliam Esq^r Collector of the said district doth dispute the Power of the said Naval Officer to make any such Seizure or to commence Such Prosecution alledging that the same is the Right of the Collector alone, and thereupon the Governor desiring to know whether the Council will advise him as to the proper Method of proceeding in this Case and to hear the Collectors Reasons for supporting his Pretensions the same being New, and no instance to be found of any such dispute before, the Council did

thereupon declare that they are ready to advise the Governor herein, and in order thereto to hear what the Collector has to Offer and accordingly M^r Fitzwilliam being called before the Board on his Motion hath time given him to prepare his Reasons in writing to be laid before this Board tomorrow Morning.

John Grymes Esq^r presenting a Commission from Horatio Walpole Esq^r Auditor Gen^l of his Majesties Plantations constituting him Deputy Auditor of his Majesties Revenues of this Dominion the said John Grymes thereupon took the Oaths appointed by Act of Parliam^t to be taken instead of the Oaths of Allegiance & Supremacy the Abjuration Oath Subscribed the Test and took the Oath for the due Execution of his Office.

A Letter from his Majesty dated . . . requiring the Governor and all others whom it may concern to be assisting to Horatio Walpole Esq^r Auditor Gen^l of his Majesties Plantations & his Deputy in the Execution of the said Office read and ordered to be entered in the Council Books.

Ordered that the Copy of his Maj^{ties} Letters Patents constituting Horatio Walpole Esq^r Aud^r Gen^l of his Majesties Plantations be entered in the Council Books together with M^r Grymes's Commission for being Deputy Aud^r

May the 1st 1718

Present

The Governor

Edmund Jenings
Robert Carter
James Blair
Phil Ludwell
John Smith

W^m Bassett
William Cocke
Nath^l Harrison
Man Page &
Edmund Berkeley Esq^{rs}

Richard Fitzwilliam Esq^r Collector of his Majesties Customs in the Lower district of James River having this day given in his Reasons in Writing why he conceives the Right of making Seizure and Commencing Prosecutions for breach of the Acts of Trade doth Solely appertain to the Collector and not to y^e Naval Officer was heard thereupon and then withdrew And the Council taking the same into Consideration together with the Acts of Parliament of y^e 14th King Charles the second and 7th and 8th of W^m the third quoted by M^r Fitzwilliam and also the Act of the 15th of King Charles the Second which constitutes the Naval Officer; Upon the whole matter are of Opinion that by the said Acts of Parliament the Naval Officer is the Person considered under the Governor to have the Inspection of the Acts of the Acts of Trade, and is thereby well warranted to make Seizure, and commence Prosecutions in his own name for any Illegal Trading contrary to the said Acts, and that it is necessary for his Majesties Service and the more effectual prevention of Illegal Trade that the said Officer have an equal Power with the Collector in such Cases, And therefore that the Governors allowing the Libells against

he George now seized by M^r Irwin, to be brought in the said Irwins name as the first Informer is regular. And for-as-much as the said Richard Fitzwilliam moved that the Share due to the Informer (in case the aforesaid Vessel be condemned) may be sequestred until the dispute between him and the Naval Officer concerning the Right thereof be determined by the Comm^{rs} of the Customs This Board are of Opinion that such sequestration is a matter more proper to be moved to the Court of Admiralty where the Prosecution is carryed on.

On the Petition of Thomas Jordan jun^r Sherif of the County of Nansemond setting forth the great Loss and hardship it will be to him to be charged with the payment of more of the Quitt Rents of the said County than he hath Actually recieved according as is demanded of him by the Officers of his Majest^{ys} Revenue

It is ordered that the said Sherif do now account for so much of the Quitt Rents of his said County as he hath actually recd, And in order to enable him to make demand of the Remainder that the Officers of the Revenue deliver to him a Copy of the Rent Roll for the year 1713 together with an Account of what new Land hath been granted since, and the said Sherif is hereby required to do his utmost to recover the full Quitt Rents of all the said Lands unless where the Patentees have nothing in the County whereon to make distress, And for as much as it is Represented to this Board that there are divers fines due to his Ma^{ty} in Tobacco within the said County, It is ordered that the said Sherif Levy the same by distress and in case the Persons chargeable therewith have not Tobacco, that the Sherif be accountable for the Value of the Matters destroyed and render an account thereof and of the Quitt Rents next October Gen^l Court.

Joseph Royal Sherif of Henrico County setting forth that he hath discovered considerable quantitys of Land held in the said County more than have been accounted for by former Sherifs and praying that he may have the same allowance as hath been here to fore granted to other Sherifs for the like discovery, It is ordered that for so much Land as he shall make appear to the Officers of the Revenue to have patented 3 Years before the year 1713 and no Quitt Rents paid for the same till this Year he have the like allowance as hath heretofore been given.

Nicholas Merrewether by his Petition to this Board setting forth that in the Year 1715 he purchased a two and thirtieth Part of the Sloop Richard and Betty of Virginia which was then and ever since solely owned by him and other Inhabitants of this Colony, but that upon his entring a Cargo of Rum imported in the said Sloop, the Collector of the Dutys refused to allow him the Exemption of the Dutys according to the Priviledge of Virginia Owners under pretence that the Alteration of Property was not indorsed in the Register, and praying the Consideration of this Board therein. The Governor and Council taking the same into Consideration are of Opinion that the Rec^d of the Dutys on Liquors acted according to his duty in refusing to admitt the Petitioner or any other Person to the priviledge of a Virginia Owner whose Right did not appear to him as the Law directs when the Vessel was cleared outward.

On the Petⁿ of Edm^d Jenings Esq^r William Jenings, Chicheley Corbin Thacker and John Thornton Leave is granted them to take up in one Tract four thousand Acres of Land in the County of Henrico on both sides the Rivanne This Board being satisfied of their Ability to Cultivate the same according to Law.

May the 12th 1718

Present

The Governor

Edmund Jenings
James Blair
Phil Ludwell
John Smith

John Lewis
William Bassett
W^m Cocke &
Edmund Berkeley Esq^{rs}

Complaint having been made to this Board by Captain Richard Smith M^r of the Sloop Anne of Maryland that Richard Tucker, Edward Wells, John Jackson, James Carr, Barthena Leeds, Edward Lee, and Peter Oliver the Pyrates who lately came from Providence and surrendered themselves to this Governm^t having bought a boat in order to Transport themselves to Pensilvania have invegled away one Edward Limbry the Complain^ts Mate and he is Apprehensive they have a design to Seize his said Sloop, they having in their discourse threatned the same. It is thereupon ordered that Warrants be prepared for the Governors Signing directed to the Sherifs of York Warwick and Elizabeth City Countys or either of them in whose Bailiwicks the aforesaid Persons or any of them shall be found to bring them before this Board to give Security for their good behaviour, and to answer such matters as shall be objected against them.

May the 14th 1718

Present

The Governor

Edmund Jenings
Robert Carter
James Blair
Philip Ludwell
John Smith

John Lewis
W^m Bassett
W^m Cocke
Man Page &
Edmund Berkeley Esq^{rs}

His Majesty having by Order in his Privy Council dated the 13th of February 1717 been pleased to declare his Disapprobation and disallowance of an Act of Assembly of the Colony pass'd in the year 1668 ent^d an Act prohibiting the unlawful Assembling of Quakers and another Act ent^d an Act concerning Foreign Debts, It is ordered that a Procl issue declaring that pursuant to his Majesties Pleasure the said Two Acts are repealed and made void.

The Governor acquainted the Council that the house of Burg^s having Addressed him to lay before them the Commission under the great Seal (mentioned in his Majesties order in Council for repealing

certain late Laws) whereby the Governor Council and Assembly are empowered to make Laws, he had sent them the Governors Commission which he takes to be the same Power recited in the Order of his Majesty in Council and desired to be informed if the Council knew of any other Commission or Patent under the Great Seal giving Authority for making Laws here than only the Commissions given from time to time to the Governors, to which the Council declared that they do not at present know or remember any other Authority given by the Crown for making Laws than the Commissions to the Respective Governors

The Governor this day communicated to y^e Council a Letter from the R^t hon^{ble} the Lords Comm^{rs} for Trade dated the 29th of January 1717 together with the Opinion of S^r Edward Northey his Majesties Attorney Gen^l in Relation to the Courts of Oyer and Terminer and the Power of the Governor in nominating the Judges thereof, was pleased to ask the opinion of the Council upon that Part of the Letter from their Lordships of the Board of Trade wherein they say "We doubt not but you will on your Part make a discreet use of that Power lodged in your hands, which seems not proper to be exerted but on extraordinary Occasions, And on that part of the said Attorney Generals Opinion wherein he proposed, that his Majesty may be pleased for preventing of Inconveniencys and quietting the minds of his Subjects, by his Instructions to the Governor to restrain his power of issuing Special Commissions of Oyer and Terminer, except in Cases of extraordinary Emergencys & in the Vacancy of the Gen^l Courts: Whether by the said Letter and Opinion the Courts of Oyer and Terminer directed by his Majesties Instructions to be held in June and december ought to be discontinued; or still held notwithstanding what is contained in the said Letter and Opinion.

The Governor then asked those Gentⁿ of the Council who have hitherto disputed the Power of the Governor to nominate the Judges of the Courts of Oyer and Terminer whether they now acquiesced that the Governor has a Power of constituting the Judges of those Courts with or exclusive of the Council upon which the said Gentⁿ declared that they do acquiesce in the Determination of the Lords Commissioners of Trade.

The Governor in Council was pleased to nominate the following persons to be sherifs of the several Countys for the ensuing Year Viz

Henrico.....	Tho ^s Jefferson
Prince George.....	James Thweate
Surry.....	W ^m Gray
Isle of Wight.....	George Norsworthy
Nansemond.....	Tho ^s Jordan Jun ^r
Norfolk.....	Jonas Holiday
Princess Anne.....	George Hancock
Eliz ^a City.....	William Bosswell
Warwick.....	Nath ^l Hoggard
York.....	Henry Hayward
James City.....	James Bray
New Kent.....	John Foster
Charles City.....	Drury Stith

King W ^m	John Querles
Essex.....	Aug ⁿ Smith
Middlesex.....	James Walker
Glocester.....	Francis Whiting
King and Queen.....	Thomas Walker
Stafford.....	John Washington
Westmorland.....	Henry Ashton
Northumberland.....	John Ingram
Lancaster.....	Henry Fleet
Richmond.....	Edward Barrow
Accomack.....	Rich ^d Drummond
Northampton.....	George Harmanton.

On the Petition of Edward Hill Esq^r setting forth that he being Sole Owner of the Sloop Betty of Virginia obtain'd a Freedom for the said Ship according to Law, but upon changing the Master the said Freedom was missing, and the former Master declared that he verily believed it was left in the hands of the Naval Officer of the lower district of James River where the Ship cleared the former voyage that notwithstanding thereof the Naval Officer of the said Ship [district] refused to allow the Privilege of a Virg^a Owner to the Pet^r altho the Master offered to make Oath that the said Ship belonged solely to y^e Pet^r and to procure a Copy of the Freedom but obliged the Master to pass a note for the duty of Tonnage without regard to the Pet^rs Priviledge and praying to be relieved therein, The Council taking the same into Consideration and it not appearing that the said Ship had any Freedom at the time of her being cleared with the said Naval Officer, are of opinion that the said Naval Officer hath done his duty in demanding the Tonnage, it being due by Law where such Testimonial is not produced & Oath made as the Act of Assembly requires, in order to the entitling and [any] Person to y^e Priviledge of a Virginia Owner.

M^r Henry Irwin Rec^r of the Virginia Dutys in the Lower District of James River representing to this Board that by a mistake he charged himself in his last account for the duty of 2 S per hh^d on 112 hh^{ds} and four Barrels of Tob^o exported in the ship Rob^t of Whitehaven, the duty of which Tobacco was actually paid in the upper district before the ship departed from thence as appears by the Certificate of the Naval Officer of the said District and praying to be relieved therein, It is thereupon order'd that the Officers of his Majesties Revenue allow the same if it appears to them that the said Dutys have been accounted for by the Rec^r of the upper District.

Whereas the Governor was this day pleased to informe the Council that application has been made to him by sundry Persons for Grants of Lands formerly possessed by the Saponie Indians, and that the Charge of the new settlement of the said Indians being now defrayed, he was of Opinion that it might prove of Service towards the Increase of his Majesties Revenue that the Persons desiring Grants of that Land be admitted thereto upon the same Terms as he had agreed with others towards y^e perfecting the Indian Settlement Viz 50 S Current money for every hundred Acres

The Council approving of the said Proposal as greatly Advantageous to his Majesties Revenue, It is thereupon order'd that the Surveyor of the Countys of Surry and Isle of Wight be and he is hereby impowered to Survey and lay out for any Persons desiring the same so much of the said land within the bounds formerly allotted for the Saponie Indians, as such Persons shall Pay him for at the rate of 50 S Current money for every hundred Acres to be accounted for by the said Surveyor to his Majesties Rec^r Gen^l for his Majesties use deducting five per Cent for the said Surveyors trouble in recieving and paying the same.

May the 16 1718

Present

The Governor

Edmund Jenings
Robert Carter
James Blair
Phil Ludwell
John Smith

John Lewis
W^m Bassett
W^m Cocke
Man Page &
Edmund Berkeley Esq^{rs}

On reading at this Board a Letter from the Sherif of Nansemond County desiring that a New Commission of Oyer and Terminer may be issued for the Tryal of a Negro committed to the Goal of that County on Suspition, the Justices appointed by the Governor in a former Commission having failed to meet on the Day intended for the Tryal: It appearing to this Board that there are sundry Justices wanting in the said County and some dispute arisen concerning the Persons recommended to be added, It is therefore ordered that a Commission of Oyer and Terminer issue for the Tryal of the said Negro, and that all the Justices now in Commission together with the other Persons recommended to be added as Justices of the Peace of that County be appointed Judges on the said Tryal.

Whereas Moses Price exhibited a Petition to the Governor in Council setting forth that upon the encouragement promised by the Agents of South Carolina he listed himself as a Soldier (amongst other of the Inhabitants of this Colony) to go to the Assistance of that Province against the Indians. That having continued nine months in that Service and finding that Instead of the Advantages he was made to expect, that Government would only allow an imaginary sum of £ 4 Carolina Money per Month net worth 20^s Virg^a Currency, he refused to accept the same and was thereupon Dismist the said Service without any Recompence at all and praying relieff therein, Which Petition being by the Governor and Council recommended to the present house of Burgesses for their consideration of Relieff of the Pet^r and the other inhabitants of this Colony who have suffered through the Government of Carolina failing to perform their engagements; and whereas the said House of Burgesses have refused to grant the Pet^r such relieff, This Board in Consideration of the Pet^{rs} Necessitious Circumstances have thought fitt to order that he be paid 22^s/6^d per month for the nine months he was in the service of S^o Caro-

lina out of his Majesties Revenue of 2 S per hh^d And the Rec^r Gen^l is hereby required to pay the same accordingly

May the 21st 1718

Present

The Governor

Edmund Jenings
Robert Carter
James Blair
Philip Ludwell
John Smith

John Lewis
W^m Bassett
Nath^l Harrison
Man Page &
Edm^d Berkeley Esq^{rs}

Ordered That a new Commission of the Peace issue for the County of New Kent with the Addition of the several persons recommended to be Justices of that County.

Ordered That a New Commission of the Peace issue for the County of King and Queen with the Addition of the several Persons recommended to be Justices of the said County and that M^r Robert Beverly be appointed first in the said Commission

May the 22^d 1718

Present

The Governor

Edm^d Jenings
Rob^t Carter
James Blair
Phil Ludwell
John Smith

John Lewis
W^m Bassett
W^m Cocke
Nath^l Harrison
Man Page &
Edmund Berkeley Esq^{rs}

The Governor acquainted the Council that having at the desire of the House of Burgesses laid before them a Journal of his Travels and Expeditions for the publick Service of this Colony That House had pass'd a very strange Resolve thereon, wherein (without examining the proceedings of Council referd to in his Journal as the motives of his several Expeditions) they make it a doubt whether those Journeys were for the service of the Country, And therefore he desired that as he had undertaken those Services by the Council This Board would do him Justice therein and sett the matter in a true light, Whereupon the Council declare that the s^d resolve appearing to them to be only the Foundation for an Address to the Governor, as soon as they see what the said Address contains they will do the Governor Justice in relation to the subject matter of the said Resolve

On reading at this Board the Information of W^m Whiteside M^r of the Ship of Whitehaven lately arrived in Rappahannock River giving an account of his being pursued near the Capes by a Sloop which he apprehended to be a Pyrate; It is the Opinion of this Board that notice thereof be dispatched to Captⁿ Brand Commander of his Majesties Ship the Lyme attending this Station to the end he may Cruise in such manner as may best protect the Trade

May the 27th 1718

Present

The Governor

Robert Carter
James Blair
Phil Ludwell

John Lewis
W^m Bassett
W^m Cocke &
Nath^l Harrison Esq^{rs}

Nathaniel Malone of the County of Surry this day appearing before this Board pursuant to the order of the 23^d of April, to answer the Complaint of the Saponie Indians, And the Great Men of the said Nation also attending, Upon a full hearing of the whole Matter of the said Complaint, it appearing to this Board by the Confession of the said Malone that he recieved of the Indians seventy four Skins in part of the Consideration for the Freedom of an Indian Woman of that Nation, then his Slave and that notwithstanding such Payment and tender of Security for the remainder, the said Malone detained the Woman who soon after dyed in his Service, This Board are therefore of Opinion that the said 74 Skins ought to be returned to y^e Indians.

May the 28th 1718

Present

The Governor

Robert Carter
James Blair
Phil Ludwell
John Smith

John Lewis
W^m Bassett
Nath^l Harrison
Man Page and
Edmund Berkley Esq^{rs}

The Governor laying before the Board a Resolve of the House of Burgesses wherein they refer to him and the Council to determine what Measures shall be taken to preserve the Friendship of the Northern Indians, But as the Burg^s have not declared Whether that House will support the Charge of any Measures which Shall be found necessary for that purpose, he therefore desired the Opinion of the Council upon the Subject Matter of that Resolve, Whereupon the Council are of Opinion that the Consideration thereof be referred till the Address of the Burg^s which is preparing on that Resolve to be sent to the Governor

May the 30th 1718

Present

The Governor

Robert Carter
James Blair
Phil Ludwell
John Smith

W^m Bassett
Nath^l Harrison
Man Page and
Edmund Berkeley Esq^{rs}

On the Petⁿ of Nath^l Harrison Esq^r leave is granted him to take up in one Tract twelve hundred Acres of Land lying on Josephs Swamp

On the Petition of John Harris leave is granted him to take up in one Tract 600 acres of Land in the County of Newkent This Board being satisfied of his Ability to cultivate the same according to Law.

On the Petition of John Holiday Leave is granted him to take up in one Tract 800 acres of Land in y^e County of King W^m This Board being satisfied of his Ability to Cultivate the same according to Law.

Joshua Curle of the County of Eliz^a City by his Petition to the Governor now read at the Board having set forth that at the Instance of his Uncle Thomas Curle late of the said County deceased there was found to Escheate from Tho^s Glascock one hundred Acres of Land lying in the County of Norfolk then in the Possession of the said Curle by Vertue of sundry mean conveyances from those who claimed a Title under the said Glascock, That the said Tho^s Curle having paid the Fees for prosecuting the said Escheat did employ one Hugh Campbell An Att^{ry} to sue out the Patent for the same and believing the Patent to have been obtained did by his last will & Testament Devise the said Land to the Pet^r, But forasmuch as no Patent has yet issued for the same, the said Joshua Curle now prayed that a Patent may be granted him he being ready to pay the Composition for the Land contain'd in the said Tract w^{ch} upon a late Survey thereof is found to be 153 Acres It is accordingly ordered y^t a Patent be granted the said Joshua Curle for the aforesaid Tract of Land he paying the Composition due to his Maj^{ty} according to the Royal Charter of King Charles the second.

On the Petition of Rent La Foree Leave is granted him to take up in one Tract one thousand Acres of Land on the Branches of Tukahoe Creek including the three hundred Acres of Land whereon he is now seated This Board being satisfied of his Ability to cultivate the same according to Law.

On the Petition of Thomas Escriidge it is ordered that a Patent be granted him for three hundred twenty five Acres of Land lying in the County of Norfolk found to Escheat from John Clark late of the said County deceased he paying the Composition due to his Majesty according to y^e Royal Charter.

Whereas at a Council held the 14th of May 1717 It was ordered that unless John Powel and Meriam his Wife being thereto duely required should not on or before the first day of Oct^r then next ensuing satisfy and pay to Thomas Escriidge all such Charges as he had expended about prosecuting the Escheat of the Land lately belonging to Tho^s Nicolis of Norfolk County deceased That then upon Certificate produced to this Board that the said Escriidge had made a Demand and the said Charges not satisfied a Patent should be granted to the said Escriidge for the said Land and the said Powell and his Wife excluded from the Benefit thereof and whereas the said Thomas Escriidge hath produced a Certificate that he made such Demand and hath made Oath that he hath not recieved any satisfaction for his said Charges, but it appearing to this Board that he hath not therein pursued the Directions of the aforesaid order, It is therefore ordered that the said Thomas Escriidge do again make a Demand of his said Charges, and in

case the said John Powell and Meriam his Wife do not immediately pay the same That then upon proof made upon Oath of such Demand & nonpayment, and a Certificate thereof returned to the Council Office a Patent issue to the said Escridge for the aforesaid Land.

On reading at this Board the Petition of Edmund Jenings Esq^r Thos^s Jefferson Gentⁿ and Alexander Hamilton Merchant Creditors of Rich^d Grills late of Henrico County, setting forth that the said Grills hath departed this Colony considerably indebted to them without leaving any other Effects to satisfy the said Debts except his Title to several Entrys and Surveys of Land in the said County made with Francis Epes the present and Rich^d Ligon the late Surveyor of the said County And praying that the said Land so entered for and Surveyed may be granted by Patent to the Pet^{rs} for satisfaction of their respective Debts, It is ordered that the said Francis Epes and Rich^d Ligon be and they are hereby required forthwith to Transmitt to the Council Office Copys of all the Entrys and Surveys made by or for the said Richard Grills that the pet^{rs} may be heard to make out the Equity of their Pretensions to a Grant of the said Lands, and in the mean time that no person be admitted to make any new Entrys for any Part of the lands contained in such Entrys and Surveys made by the said Rich^d Grills until further order.

William Ball Gentⁿ being recommended by the Trustees of the Colledge of W^m and Mary for the approbation of the Governor in Council as Surveyor of the Countys of Lancaster and Northumberland The Governor declared that he would take time to inform himself of the Qualifications of that Person but that he might Officiate as Surveyor in the mean time if upon Examination the Surveyor Gen^l for the Colledge shall find him Capable of Executing that Imployment.

The following Warrants on the Reciever Gen^l to be paid out of his Majesties Revenues of two Shillings per hh^d port dutys and head Money were this day signed by the Governor in Council Viz

To the Governor half a Years Sallary ending the 25 th of April last.....	£ 1000
To the Gent ⁿ of the Council half a Years Sallary ending y ^e same time.....	£ 175
To the Aud ^r Gen ^l of the Plantations half a Years Sallary	£ 50
To the Solicitor of the Virginia Affairs $\frac{1}{2}$ a Years Sallary.....	£ 50
To the Judges and Officers of the Court of Oyer and Terminer held in December.....	£ 100
To the Attorney General $\frac{1}{2}$ a Years Sallary.....	£ 20
To the Clerk of the Council half a Years Sallary.....	£ 50
To the Armourer half a Years Sallary.....	£ 6
To the Gunner at James City half a Years Sallary....	£ 5
To Sundry Minesters for their Attendance one Gen ^l Court.....	£ 5
To the Clerk of the Council for sundry Expresses and other Contingent Charges.....	£41:10:6 $\frac{1}{2}$

And out of the Quitt Rents

To y^e Commissary $\frac{1}{2}$ a Years Sallary £ 50
 To Coll^o Blakistone Agent for Virg^a $\frac{1}{2}$ a years Add^l
 Sallary £ 100
 To y^e Att^y Gen^l $\frac{1}{2}$ a Years Add^l Sallary £ 30
 To Francis Kennedy Esq^r for his Voyage to S^o Carolina on the
 publick services of this Gov^t by his Maj^{ties} Warrant / 250

The Officers of his Majesties Revenue Representing to this Board that divers of the Sherifs have not according to the directions of this Board returned so Great a Number of Acres on their Rent Roll as that of the year 1713 whereby they the said Officers are disabled from compleating the Account of his Majestys Quitt Rents It is thereupon ordered that the Officers of the Revenue make up the account of the Quitt Rents so far as they have recieved and that they give notice to the Respective Sherifs that if they do not Compleat their Rent Rolls of the Lands in their Countys and pay the money due to his Majesty for the Quitt Rents thereof on or before the 20th of October next directions will be given for suing their Bonds.

May the 31st 1718

Present

The Governor

Robert Carter
 James Blair
 Phil Ludwell
 John Smith

W^m Bassett
 W^m Cocke
 Nath^l Harrison
 and
 Edmund Berkeley Esq^{rs}

The Accounts of his Majestys Revenue of Quitt Rents for the year 1717 And the Account of his Majestys Revenue of 2^s per hh^d &c to the 25th of April last being presented and Sworne to by the Rec^r Gen^l and Certifyed by the Auditor were signed and Certified by the Governor in Council in the usual Manner.

The Governor having laid before the Council the Address of the House of Burgesses presented to him yesterday and read that part of it wherein the Measures to be taken for preserving the Friendship of the Northern Indians is left to the Determination of the Governor & Council and which by order of the 27th Instant was refered by this Board to be considered when the Address should be delivered And the Governor having thereupon acquainted the Council that tho some of the Burgesses had douted the Truth of the Advices he communicated to them from the Governor of Pensilvania concerning the March of a Great Body of the said Indians to attack our Tributarys Yet that the Letter he laid before the Burgesses was genuine and that he firmly believed there is a design against the Saponies formed by the said Northern Indians who have not thought fit to accept of the Preliminarys he offered to them and therefore he desired the Advice of the Council upon what is left by the Burgesses to their Consideration The Council are of Opinion that since the said Northern Indians have

given some satisfaction for the breach of their former Treaty, and have also given assurances for their future observance thereof there doth not appear an immediate necessity for entering into any New Treaty with them especially seeing they have not yet agreed to the Preliminary proposed to them by the Governor; but if the said Indians should Commit any Acts of hostility It will then be fitt to take into Consideration what Measures are proper to be entered upon for obtaining Reparation and preserving the Peace of the Government.

The Governor having communicated to the Council that part of the Burgesses address wherein they declare they do not think fitt to keep up any Longer the Fort of Christanna, and desiring to know whether the Council concur with the Burgesses in that Opinion, The Council thereupon declare that they are still of the same Opinion they were in their Message to the Burgesses on the 22^d instant that the same is still depending to be further debated in the Assembly but that they are not yet convinced by the Reasons given by the Burgesses for slighting that Fort.

The Governor also laid before the Council that part of the Burgesses Address relating to the sending back the Cattabaw Hostages, and declared that since he understood the Council had proposed a Method for returning the said Hostages and that the House of Burgesses had agreed thereto Viz that the Great Men of that Nation be invited in to receive their Hostages tho he apprehended some difficulty in getting the said Great men in hither because of the War between them and the Northern Indians whose partys may be expected in their way yet he would send Messengers to acquaint them with the desires of the Government if he could get any one to go on the Credit of the Burgesses but that he did not think fitt to engage the Kings Revenue which at Present is so low as not to defray the necessary Expence of the Government.

Seven of the Gentⁿ of the Council Viz Robert Carter, James Blair, Philip Ludwell, John Smith, William Bassett, Nath^l Harrison and Edmund Berkeley Esq^{rs} (John Lewis Esq^r being Absent) delivered in the following Paper Viz On Consideration of an Entry in the Council Journall of the 12th of March last, wherein the Governor desired an Explanation of a Passage in a Lett^r Signed by Eight of the Council to the R^t Hon^{ble} y^e L^{ds} Commrs for Trade The Gentⁿ of the Council now present who signed that Letter are of Opinion that it is not proper to meddle with that Letter without directions from their Lordps, Especially since a Reconciliation of former Differences has been mutually proposed and Accepted since the making that Entry.

The Governor thereupon readily agreeing to have the said Paper entered on the Council Journalls, Answered That he knew Terms of agreement had been proposed by both sides, but he knew of none that had yet been accepted by either: for as they had demanded that he should Subscribe Certain Articles, and he had positively rejected them for their unreasonableness so they have hitherto performed nothing of all that he had required of them, seeing they have yet writ no Letter to Satisfy the Board of Trade of their being come to a good agreement with him, and have also declined throughout the whole Session of Assembly to lay hold on any Occasion to testify to the Country their

desire of a Reconciliation and of Cultivating a better understanding with their Governor.

A[And] Since they seem to make an Entry in the Council Books in order to Justify themselves he could not but think fitt that the Passage they referr to should Stand upon the same Journall in a fuller light than they have set it forth which the Gov^r stated thus "The afore-named 8 Councillors secretly combined to draw up a Charge against "the Lieu^t Governor, and privily sent it away to the Right Hon^{ble} "the Lords Commissioners for Trade, Complaining therein of his proposing and pressing them into New and pernicious Measures This "accusation being writ no otherwise than in General Terms, the Leiu^t "Gov^r so soon as he got a Copy thereof desired his Accusers to explain "themselves, and to Instance at least one Particular to make good "their Charge, when they were first Challenged upon this point, at the "Council held the 12th of March in w^{ch} five of them were present, "they said they would make no Answer until they had look'd over the "Memorials and Papers they had by them and had likewise Consulted "the other three who were absent And now fourscore days after seven "of them come and declare against explaining themselves unless they "are first directed from England so to do.

The proceedings of the 8 Councillors being thus Stated, the Governor ordered to be next entered, that he took their Evasive Answers, to be a Plain Confession that they knew their Accusation is Groundless, And that therefore he will not think of offering any thing further relating to y^e said Charge.

June the 27th 1718

Present

The Governor

Edm^d Jenings

Ja^s Blair

Phil Ludwell

John Smith

W^m Cocke &

Nath^l Harrison Esq^{rs}

The Governor this day caused to be read at the Board, his Answer to the Paper delivered in last Council, by seven of the Gentⁿ of the Council in Relation to the Charge ag^t him of pressing them into New and inconvenient Measures of Government.

John Lewis, Mann Page, and Edmund Berkeley Esq^{rs}, Present

The Governor acquainting the Council that the Occasion of his calling them together at present was only to Advise whether it be necessary that the Assembly which is adjourned till the tenth of July shal meet at that ime, that seing he knew no Urgent Business requiring their meeting so soon he was willing to save the Country the Charge of calling them together unnecessarily, the only thing that could be urged for their meeting being the laying the publick Levy, he was of Opinion that might as Conveniently be done in October as now and therefore he was desirous to prorogue the Assembly if the Council think it can regularly be done, Upon Consideration whereof, The Council are of Opinion, that the Ass^{ly} being under an Adjournm^t cannot regularly be prorogued by Proclamation but must meet at the time to which they are Adjourned.

New Commissions of the Peace was this day ordered to be issued for the Countys of Essex, Eliz^a City, and Nansemond with the Addition of the severall Persons recommend[ed] to be Justices in y^e s^d Countys

M^r Secretary Cocke moving for Leave to withdraw his former Bond for the due execution of his Office in regard to Coll^o W^m Bird one of the Securitys therein has refused to continue and Offering Edm^d Jenings Esq^r and M^r Chicheley Corbin Thacker as his Securitys, they are accordingly approved off, and it is ordered that the Clerk of the Council deliver up the former Bond upon M^r Secretarys giving a New one with the Securitys above proposed.

Whereas it hath been represented to this Board that Severall of the Men imployed by the late Indian Company for the Guard of Fort Christanna have behaved themselves of late in a mutinous and disorderly manner, refusing to do the Duty of Sentinells, whereby that Fort and the Hostages therein may be exposed to great Danger Especially now that the Northern Indians are on the Frontier & seem to have a Design on that Place. For preventing therefore the ill Consequence of such Mutiny and Disobedience, It is this day ordered by the Governor with the Advice of the Council that Captain Robert Hix or such other Person as the said Late Company have or Shall employ for the management of their Affairs at Christanna, be and each of them are hereby impowered to give due Correction and punishment, to any of the said Companys Serv^{ts} refusing to do their Duty or behaving him or themselves mutinously, disorderly or disobedient as the Laws of this Colony direct, And for preventing the Desertion of any of the said Servants that the s^d Captain Hix or the Persons aforesaid do order out Partys of the Indians to pursue apprehend and bring back such of the said Servants as Shall at any time Endeavour to run away from their Service and Duty.

July the 10th 1718

Present

The Governor

Edm^d Jenings
Ja^s Blair

Phil Ludwell
John Smith &
W^m Cocke Esq^{rs}

The Governor acquainting the Council that a Pirate Ship and Sloop being lately Cast away in Core Sound in the Province of N^o Carolina, Severall of the said Pirates have Since come into this Colony with Certificates from the Governor of N^o Carolina of their Surrendering to him, but in regard their Travelling about the Country with their Arms and keeping together in Considerable Numb^{rs} give Great Suspicion, that they design to betake themselves again to Piracy and may probably surprize some Vessell for that Purpose; It is therefore ordered by the Governor with the Advice of the Council that a Proclamation be prepared requiring all Persons who have been concerned in any Piracys, and who Shall come into this Colony immediately upon their Arrival, to deliver up their Arms to the first Justice of the Peace or Milletary Officer, and prohibiting them to Associate in any Greater

Numbers than three in one Company And that in Case any be found going armed, or in Greater Numbers than is above Expressed, That the Justices of the Peace Cause them to be taken up and put in Prison till they give Security for their good behaviour.

July the 30th 1718

Present

The Governor

Edmund Jenings
James Blair
Phil Ludwell

John Lewis
W^m Cocke &
Man Page Esq^{rs}

Whereas the Gen^l Assembly stands prorogued to the 7th of August & there appearing no Urgent Occasion for their meeting at that time; It is the Opinion of the Council and accordingly ordered that a Proclamation issue proroguing the said Assembly to y^e 11th of Sept^r next.

Ordered that a New Commission of the Peace issue for the County of Richmond with the Addition of the severall Persons recommended to be Justices thereof.

The Governor having laid before the Council and Caused to be read that part of his Maj^{ty}s Commission whereby full Power and Authority is given to the Governor to Collate any Person or Persons to any Churches Chappells or other Ecclesiasticale Benefices within this Colony, as often as any of them shall happen to become Void, And having Also read such of his Majestys Instructions as relate to Prefering Minesters to Ecclesiasticale Benefices here, was pleased to acquaint the Council that not withstanding it appeared to him by the said Commission and Instruction that the King looks upon all Ecclesiastical Benefices here to be in his Majestys Gift yet some Persons have taken upon them to dispute that right and Particularly a Neighbouring Vestry have placed a Minister in their Parish by their own Authority without any Application to him and therefore he desired the Opinion of this Board Whether he ought to pursue the Powers granted him by his Majestys Commission and Instructions, or if the Vestry are to be allowed to place or displace Ministers at their Pleasure, Whereupon the Council are of Opinion that the Governor ought to pursue the Powers Granted by his Majesty w^{ch} according to the words of the said Commission and Instructions give him Authority to supply Vacant benefices

At a Council held at the Capitol the 2^d of September 1718

Present

The hon^{ble} the Lieu^t Governor

Edmund Jenings
James Blair
Philip Ludwell

John Smith
W^m Bassett
W^m Cocke and
Nath^l Harrison Esq^{rs}

The Governor laid before the Council a Letter from Charles Eden Esq^r Governor of N^o Carolina dated the 22^d of last Month signifying

that the Seneca & Tuscoruro Indians had formed a design to Cutt off the Settlement of Bath Town and the other English Plantations in that County, and that in Pursuance thereof they did on the 18th of y^e same Month attacque the Plantation of one M^r Worseley within Less than a Mile of the said Governors Habitation, but that the design of the said Indians haveing been discovered two days before by the Means of an Indian Slave of the said Worselys (to whom the Senecas communicated their Intentions) the People were upon their Guard, and the Indians finding themselves discovered drew off after exchanging severall Shott with the People at that Plantation. The Governor also acquainted the Board that the said Seneca Indians having sent divers threatning Messages to Christanna demanding the Saponie Indians settled there to be delivered up to them, and threatning in Case of Refusal to destroy that Settlement, he had taken the Indians into the Fort for their Protection, Since which the Senecas had made Overtures of Peace and the Saponies have accordingly made a kind of Treaty with them where by they are to cease all hostilitys on both sides.

And then the Governor desired the Opinion of the Council whether in this Conjunction there be a necessity for the meeting of the Assembly according to the last Prorogation, It is the Opinion of this Board that in regard of the Sickly Season of the Year and that the Treaty with the Saponie Indians may in all probability keep the Frontiers of this Colony from any apparent danger of the Incursions of the Northern Indians, there is not an immediate Occasion for the meeting of the Assembly And it is thereupon ordered that a Proclamation issue proroguing the Assembly to the 11th of Nov^r next.

The Governor laying before the Board a Paper signed by nine of the Vestrymen of S^t Anns Parish in Essex County presenting the Reverend M^r Giles Rainsford for Induction into the Care of that Parish, And desiring the Advice of the Council whether the same ought to be recieved as a legal Presentation, The Council upon Consideration thereof are of Opinion that the said Presentation being informal ought not to be rec^d nor any Induction Granted thereon.

On the Petition of Rob^t Hubbard and Francis Moreland and Ann his Wife Daughter of the said Hubbard It is ordered that a Patent be granted to the said Rob^t Hubbard for a Tract of Land lying in James City County lately found to Escheat from one Mihile Goen, And that a Tract of 50 Acres in the same County found to Escheat from Edward Ridley, be granted to the said Francis Moreland and Ann his Wife they the said Pet^{rs} paying the Composition for the same according to the Charter of King Charles the 2^d And Whereas a Warrant hath issued at the Instance of the said Rob^t Hubbard to enquire of the Escheat of Certain Lands lying in the same County whereof one W^m Bedford dy'd seized, The Governor with the Advice of the Council and by Consent of the said Hubbard is pleased to order that if the same be found to Escheat it be granted to the said Francis Moreland and Ann his Wife upon their paying the Composition due to his Majesty they having been long in peaceable Possession y^r of [thereof]

On the Petition of Rob^t Goodrich. Ordered that a Patent be granted him for 192 Acres lying in James City County lately found to

Escheat from John Smith dec^d, the said Goodrich having already paid the Composition due to his Majesty for the same.

October the 29th 1718

Present

The Governor

Edmund Jenings
Rob^t Carter
James Blair
Phil Ludwell

John Smith
W^m Cocke
Nath^l Harrison &
Mann Page Esq^{rs}

On reading at this Board the several Statutes of England and the Law of this Colony for Tryal of Pirates, together with the Commission under the Great Seal, granted in pursuance of the Act for the more Effectual Suppression of Piracy, made in the Eleventh and twelfth Years of K. W^m y^e third to which the Governor is directed by his 55th Instruction to proceed in the Tryal of all Pirates taken here, The Council came to the following Resolutions. —

That it appears by Hawkins Pleas of the Crown a Book allowed by the Judges in England that the Act of the 11th & 12th of King W^m. for Tryal of Pirates is revived and Continued for five Years by a Statute made in the first Year of his present Majestys Reign, there's no room to doubt but that Pirates may be tryed here according to the Directions of that Act.

That altho' this Board would be willing that such Pirates as are taken here should be tryed by a Jury according to the Statute of the 28 of Henry the 8th, yet for want of a particular Commission from the Crown for that purpose there can be no Tryal according to that Statute.

That Since the Act of the 11th and 12th of King Will^m directs, that all Piracys in the Plantations shall be tryed and determined according to the directions therein mentioned, the Act of Assembly of this Colony made in 1699 w^{ch} directs such Tryals to be by Jury seems to be suspended, And therefore the Council are of Opinion, That William Howard the Pirate now in the Publick Goal be tryed by Vertue of the Commission under the Great Seal granted in pursuance of the afore mentioned Act of the 11th and 12th of King William.

Present

John-Lewis Esq^r.

The Governor communicated to the Council his Majestys Instructions directing the securing of the Goods and Effects of Pirates, And for the sending to England all Accessarys to be tryed there.

M^r Commissary Blair in behalf of the Trustees of the Colledge, recommending M^r Joseph Allen to be Deputy to his Brother M^r John Allen, in the Office of Surveyor of the Countys of Surry and Isle of Wight, The said Jos. Allen is accordingly approved off by the Governor and Council. —

On Reading a Letter from the R^t Hon^{ble} the Lords Com^{rs} of Trade dated the 5th of March 1717 notifying that Great Comp^{lts}. are

made in England of the Badness of Pitch and Tarr, imported from the Plantations and Great Frauds discovered in the Packing thereof, which will occasion the Loss of the Bounty Money for such Pitch and Tarr, It is order'd that a Procl issue for preventing the like abuses and for putting the Laws in Execution ag^t such as Fraudulently pack Pitch or Tarr for Sale.

Captⁿ Geo: Gordon Commander of his Majtys Ship Pearle, having made application to this Board for Certifying the difference between the Current Money of this Colony and Bills of Exch^a in order to the better passing his Accounts of such Money as he shall have occasion to Expend for the use of his Matys said Ship, This Board do accordingly Certify that where money is taken up here for Bills payable at London and the Rec^r of such Bills is Satisfied that they will be duly paid according to the time at w^{ch} they are drawn, there is generally an Advance of five or Six per Cent allowed the drawer but where the payment of such Bills is uncertain no Advice is given but they usually go at Par with the Common Currency of the Country.

For the better ascertaining the Fees of the Register of the Court of Vice Admiralty and preventing Exactions it is ordered, That for Copys of Decrees and other Papers which any Person shall desire out of the said Office, no more shall be paid or demanded than after the rate of one Ryal for each side of a Leaf of the Ordinary Sort of Paper, written after the Common way of writing in this Country if the whole do not exceed 4 Sheets, but if it do Exceed then Six pence for every Page of the whole and no more, And if any dispute arise concerning the manner of writing, that the same be determined by the Judge.

Nov^r. the first 1718

Present

The Governor

Robert Carter
James Blair
Phil Ludwell

John Smith
John Lewis
W^m Cocke and
Man Page Esq^{rs}

The Officers of the Revenue attending presented the forme of a Rent Roll for the more exact Collection of the Quitt R^{ts} and the same is referr'd for further Consideration at the meeting of the Assembly—

The following Warrants to be paid out of his Majestys Revenue of 2^s per hh^d &c were signed by the Governor in Council Viz.

To the Governor half a Years Sallary ending the 25 th of October last.....	£ 1000
To the Gent ⁿ of the Council half a Years Sallary ending the same time.....	£ 175
To the Aud ^r Gen ^l of the Plantations for y ^e same.....	£ 50
To the Solicitor of the Virg ^a Affairs for the same.....	£ 50
To the Attorney Gen ^l for the same.....	£ 20
To the Clerk of the Council for the same.....	£ 50
To the Guner at James City for the same.....	£ 5
To the Armourer for the same.....	£ 6
To sundry Min ^{rs} for their Attendance one Gen ^l Court..	£ 5

The Acc^{ts} of his Majestys Revenue of 2^s per hh^d &c being presented and Sworne to by the Rec^r was Certified by the Governor as usual.

The Officers of his Majestys Revenue representing that there are divers fines and Forfeitures due to his Majesty in several Countys w^{ch} had not yet been accounted for by the Sherifs, and desiring directions what allowance shall be made the said Sherifs for Collecting the same, It is ordered that a List of the said Fines and Forfeitures so far as hath been returned to the Secretarys office be sent to the Respective Sherifs with directions for demanding and Levying the same And that for their trouble therein they be allowed 10 per Cent as is usual for other publick dues.

On reading at this Board the Petition of Geo Wilkinson of New Kent County setting forth that in the Year 1703 he obtained a Patent for 1206 Acres of Land lying on the North Side of Totopotomoy Creek in the same County as Laps'd from Thomas Wilkinson his Father and did Seat and Plant the same according to Law but upon resurveying the same of late he has discovered that most of the Courses of the said Patent are by the Surveyors mistake Erronious, some of them being reverse to the true Courses marked on the Land, and others differing in many Degrees, And therefore praying that a New Survey may be made for the same Land and a Patent granted thereupon, expressing the true Courses of the Land laid out for the Pet^r, And that so much as shall be wanting of the said 1206 Acres may be made up out of the Adjacent Land not yet entered for nor Patented It is accordingly ordered that the Surveyor of new Kent County, be and he is hereby impowered to resurvey for the Pet^r the Land intended him by the aforesaid Patent, and return a Survey thereof according to the True Bounds and Courses, And that he make up the true Quantity of 1206 Acres if any is wanting out of the Adjacent Lands not yet taken up nor Patented, and that upon the return of such Survey a Patent be granted the Pet^r for the same.

On the Petⁿ of Stephen Sunter setting forth that he entered for 400 Acres of Land in New Kent County with Valentine Minge the late Surveyor and Tendered Rights for the same which the said Minge refused to take Charge off And that the Pet^r having sent a Copy of his Entry to the present Surveyor by one James Bowles who as the Pet^r is informed has entered for the said Land in his own name and praying that the Surveyor may be directed to Survey the Land for the Pet^r or to appear before this Board to Show a Cause why he refuses to do the same, It is thereupon ordered that no Survey be made for the said Bowles or any other Person of the Land alledged to be entred for by the said Pet^r untill the Partys be heard before this Board.

On the Petition of W^m Morris and Robert Jenings Leave is granted them to take up 2000 Acres of Land in one Tract lying on Taylors Creek in the County of New Kent, This Board being satisfied of their Ability to Cultivate the same according to Law

On the Petⁿ of Larken Chew in behalf [of himself] and others his Partners Leave is granted them to take up 8000 Acres of Land lying on both sides Mattaponie River in the County of King and Queen &

King William, This Board being Satisfyed of his Ability to Cultivate the same according to Law.

On the Petⁿ of Rob^t Muntford leave is granted him to take up in one Tract one thousand Acres of Land in the County of Prince George on the Horse Pen Branch, On the South side of Saponie Creek bounding on a Survey already made by the Pet^r This Board being Satisfied of his Ability to Cultivate the same according to Law.

On the Petⁿ of Rob^t Blause Leave is granted him to take up five thousand Acres of Land in one Tract in the Fork of James River and County of Henrico, This Board being Satisfied of his Ability to Cultivate the same according to Law.

On the Petⁿ of Harry Beverly and Robert Beverly Jun^r Leave is granted them to take up in one Tract Six thousand Acres of Land on the Branches of Pamunky River in King William County This Board being satisfyed of their Ability to Cultivate the same according to Law

On the Petition of Will^m Robertson Leave is granted him to take up in one Tract five thousand Acres of Land adjoining on the upline of the Land of Edward Barrow in the County of Essex and Extending between the Germanna Road and the River Rappidanne This Board being Satisfyed of his Ability to Cultivate the same according to Law

On Reading at this Board the Petⁿ of the Queen and Great Men of the Pamunky Indians complaining that under Pretence of a Patent granted to Hugh Owen for 310 Acres of Land within the bounds laid off for the said Indians and of 200 Acres granted to Philip and George Sutherland the present Possessors of the said Land Clear and Tend Ground beyond the Bounds mentioned in their said Patents and praying relief therein. It is thereupon ordered that the said Petition be referred to the Court of King William County to Examine into the Truth thereof and to take care that Justice be done the Pet^{rs} therein according to the Laws of this Colony.

On reading at this Board the Petition of the Great Men of the Chicahominy Indians setting forth that the said Nation by consent of this Government formerly purchased of one Captain Roger Mallore a Small Tract of Land lying on Mattaponi River adjoining to the said Mallore's Plantation And in Consideration thereof did give unto the said Mallore three thousand Acres of Land in another Place which the Sons of the said Mallore have sold and recd Satisfaction for, Notwithstanding whereof Tho^s Mallore & Roger Mallore Sons of the Afore-named Roger daily threaten to turn the Pet^{rs} off the Land so by them purchased and whereon they have long inhabited, And have Actually made sale of Part thereof to one John Querles who hath turned the Pet^{rs} out of possession thereof, It is ordered that it be referred to the Court of King William County to Examine into the Allegations of the Pet^{rs} and if they find the same to be true that they Cause Justice to be done therein and the said Indians protected in their Just Rights as by the Laws of this Colony they ought to be
Ordered

That a New Commission of the Peace issue for the County of Westmoreland with the Addition of the severall Persons recommended to be Justices in the said County

John Smith of the County of Elizabeth City having produced a Certificate under the Hands of the Feoffees of the Town of Hampton that the Ground which the said Smith formerly Petⁿ for contains 27 foot along the Shore side and bound by the Wharf late erected by James Bartell It is ordered that a Patent be granted him for y^e same

Nov^r the 11th 1718

Present

The Governor

Edm^d Jenings
James Blair
Phil Ludwell

John Smith
W^m Cocke &
Man Page Esq^{rs}

Ordered.

That a Procl issue prohibiting the entertaining of Pyrats or concealing their Effects.

Nov^r the 18th 1718

Present

The Governor

Edmund Jenings
James Blair
Phil Ludwell

Jn^o Smith
Jn^o Lewis
Will^m Bassett &
William Cocke Esq^{rs}

The officers of his Majestys Revenue having presented a Memorial complaining that considerable Arrears of Q^t R^{ts} for the Years 1714: 1715 & 1716 having been but just sent to the Respective Sheriffs to Collect, sev^l of the said Sherifs have neglected to Account for the same as to make such returns thereof as by the order of this Board they were directed neither have the said Sherifs Completed their Rent Roll of Last Year equall to that of the Year 1713 It is thereupon ordered that such of the said Sherifs as have not completed their Rent Roll for the last Year or have not made due return of the Arrears given them to collect, have notice to perfect the same next April and where any of the former Sherifs were Superseeded that the Officers of the Revenue direct them to put into the hand of the Present Sherifs a true List of all Persons who did not pay their Quitt Rents last year And also of all those who did not pay the Arrears charged in the List sent out last Year or have not returned their Reasons for not paying the same, Which said Arrears are to be collected and accounted for by the Present Sherifs unless any of the said late Sherifs are rather desirous to collect the Same themselves in which Case they are allow'd so to do they rendring an Account thereof to the Officers of his Majestys Revenue.

And upon consideration of the Rent Rolls prepared by the Officers of the Revenue It is the Opinion of this Board that for the better enabling the Sherifs to demand his Majestys Quitt Rents, the said Officers do send each Sherif a Copy of the Rent Roll of his Respective County with directions to demand and recieve the Quitt Rents con-

formable thereto. That where it shall happen that any of the Lands Charged in the said Rent Roll are transferred to other Proprietors the said Sherifs be directed to insert the name of the Present Proprietor over against the Number the said Tract is denoted by, And if there be severall Proprietors of any one Tract then to insert the name of each and the respective Quantitys they hold. That if the Sheriff Shall discover that any Person holds more Tracts of Land than are charged in the said Rent Roll, That he take care to add the same under Add^l Numbers, And where it shall happen that the Proprietor of the Land lives in another County And there is nothing thereon to make distress, The Sheriff of the County wherein the said Land lyes shall be directed with all convenient Speed, to transmitt to the Sheriff of that County wherein the Patentee or proprietor lives an account of the quantity of Land Such proprietor is chargeable with to the end he may demand the Quitt Rents thereof, And in such case the Sherif who recieves the Quitt Rents is to return to the Officers of the Revenue a Distant account thereof in order to the giving his Majesty Credit for the same in the Rent Roll of the County where the Land lyes.

Whereas it appears to this Board by the returns of the Sherifs last Year that divers of the Arrears deliver'd them to Collect have been actually paid and yet no credit given for the Quitt Rents in the Acc^{ts} of those Sherifs who received the same, It is thereupon ordered that all such Sherifs who have rec^d more of his Majestys Quitt Rents than they have accounted for be forthwith prosecuted.

On the Petⁿ of Edmund Jenings Esq^r Will^m Jenings, Chicheley Corbin Thacker and John Thornton Leave is granted them to take up in one Tract 4000 Acres of Land on the S^o side of the River Fluvanna next above the Land Surveyed for Thomas Crooke Merch^t or in any other place betwixt the said River & the Rivanna being in Lieu of the like quantity which by a former order of this Board they had a Licence to take up on the River last above mentioned, This Board being satisfied of their Ability to Cultivate the said Tract according to Law.

On the Petition of James Thweate and Certificate of his having made Oath that he lost five Rights w^{ch} he purchased of Will^m Bird Esq^r late Rec^r Gen^l and never had any Land granted for the same, It is ordered that the Rec^r Gen^l grant him five other Rights in Lieu thereof It appearing by the Rec^r Gen^ls Books that the Pet^r had such Certificate and by the Returns made to the Secretary that neither he nor any other Person has made use of the said Rights.

November the 19th 1718

Present

The Governor

Edmund Jenings
James Blair
Phil Ludwell
John Smith

John Lewis
Will^m Bassett
W^m Cocke
Man Page and
Edmund Berkeley Esq^{rs}

Whereas a Bill is now prepared by the house of Burgesses for encouraging the apprehending and destroying of Pirates for the more

Speedy publication of the Rewards therein mentioned, It is ordered, That his Majestys Attorney Gen^l do prepare a Proclamation for that purpose And that the same be issued as soon as the said Bill shall recieve the Governors Assent.

Whereas by a Clause in a Bill pass'd the House of Burgesses to encourage the Apprehending and destroying of Pirates It is provided that the Charge of trying and executing such Pirates It is provided that the Charge of trying and executing such Pirates shall not be borne by the Country, whereby it seems in Vain to press them to give any Allowance to the Officers of the late Court held for the tryal of William Howard lately condemned for Piracy It is therefore the Opinion of this Board and accordingly ordered that the Officers and other charges of the said Court be defrayed out of his Majestys Revenue as follows Viz.

To the Register of the said Court.....20£
To the Marshall for attending the Court..... 5£

To the Marshall four pence for every mile he travelled for summoning the Judges and Witnesses and for executing the Criminal, together with his necessary expences of Ferriages &c in the said several Journeys And that he be also paid for erecting a Gibbet and other necessary charges about the said Execution as has been usual on the like Occasions.

And to the Witnesses on the said Tryal the same allowance is given by Law to the Witnesses that Are summond to the Gen^l Court only that as theirs is payable in Tobacco & the Witnesses attending this Court be paid in Money after the rate of 10^s for every CW^t of Tobacco and the Rec^r Gen^l is ordered to pay the same accordingly and to insert it in the Account of Contingent Charges.

November the 21st 1719

Present

The Governor

Edmund Jenings
Rob^t Carter
James Blair
Phil Ludwell
John Smith

John Lewis
Will^m Bassett
Will^m Cocke
Man Page and
Edmund Berkley Esq^{rs}

Rich^d Fitzw^m Esq^r Collector of the Lower District of James River this day produced to the Board an Instruction from the Commissioners of his Majestys Customs directing him to demand and recieve his Majestys third Part of all Forfeitures arising within his District for breach of any of the Acts of Trade and to demand an Account to whom and by what Authority the like forfeitures have heretofore been paid and by Vertue of the said Instructions the said Rich^d Fitzwilliam this day demanded his Maj^{ty}s third part of the Forfeiture of the Ship Mary of London condemned for illegall Trading within his District; The Officers of his Majestys Revenue were thereupon heard and it appearing to this Board by the Patent under the

Great Seal for the Office of Auditor Gen^l of the Plantations that all Fines Forfeitures and Prizes accruing due to his Majesty within this Dominion (except the forfeiture of Navigation Bonds are put under the inspection of the said Auditor Gen^l That by a Letter from King Charles the 2^d dated the 30th of June 1682 his said Majesty declares his intensions to apply all such forfeitures &c to the better Support of the Government here and that pursuant to his Majestys said declaration the same has ever Since been recieved by the Officers of his Majestys Revenue and applyed to the uses aforesaid without any Objection made thereto by the Lord high Treasurer or Commissioners of the Treasury in England to whom the Accounts of the Rec^t and Application thereof have been constantly Transmitted This Board are therefore of Opinion that the Officers of his Majestys Revenue are well justified in demanding and recieved the said Forfeitures and the Gov^t in the application thereof by the constant Practice heretofore, And the same Method be continued for the future till his Majesty shall Signify his Pleasure to the Contrary And it is ordered that the said Officers of his Majestys Revenue prepare a State of this Case And transmitt the same to the Auditor Gen^l of the Plantations to be laid before the Lord high Treasurer or Comm^{rs} of the Treasury for the time being—

Richard Fitzwilliam having this day prefered a Petⁿ containing a Gen^l Charge ag^t M^r Henry Irwin Navall Officer of the Lower District of James River for defrauding his Majesty and this Country of divers Sums of Money rec^d by him for the Dutys of Tunnage and on Liquors and Slaves, It is ordered that the said Fitzwilliam deliver to the Clerk of the Council the particular Articles with which he charges the said Irwin And that a Copy thereof be given him to the end he may be ready to Answer the same when this Board Shall think fit.

Nov^r the 24th 1718

Present

The Governor

Edmund Jenings
Robert Carter
James Blair
Phil Ludwell

John Smith
W^m Cocke
Man Page &
Edmund Berkeley Esq^{rs}

The Governor this day repeated what he had Spoke on the 21st Current relating to the Bill now passed the Council and Burgesses declaring who Shall not bear Office in this Country, The said Bill seem'd unfit for him to pass for the following Reasons Viz

First That the said Bill is liable to the same Objection for which his Majesty repealed the former Act, there being in this no Exception of Officers deputed here by the Surveyor Gen^l of his Majestys Customs.

2 That as the said Bill is worded Should the King think fit at any time to send hither Land forces, No Commission could be granted by the Commander in Chief here to any Person not quallified by three Years Residence, altho such Person ought by the Rules of the Army to Succeed in Such Imployment.

3^d That the said Bill seems to restrain any Person not having been three Years in the Country from acting in an Office here under the Commissioners of the Navy or Victualling.

4th That it restrains the Bishop of London from appointing any-one, not quallified by three Years Residence to be his Commissary here

5th That if it should pass it will bring under the Penalty of £100 & 20£ per Month severall Officers now in places which cannot otherwise be Supplied either by the Natives or others quallified by three Years Residence for Example, The Officers of the Sloops sent to N^o Carolina for Suppression of Pirates the Mathematick professor in the Colledge of William and Mary, And the Armourer neither of which have been three Years Resident in this Colony as the said Bill enacts

And lastly That it appears by the Representation of the Lords Comm^{rs} for Trade to his Majesty that their Lordships judged the making three Years Residence a necessary quallification for an Office here is a discouragem^t to the increase of the Colony And for that Reason Advised the repealling of the former Law.

And therefore he desired to know the Opinion of this Board if the said Bill being liable to so many exceptions ought to pass into Law.

Whereupon the Council declared their Opinion and advice as follows
Viz

Robert Carter, James Blair, Philip Ludwell, and John Smith Esq^{rs}, That they could not Advise the Gov^r to reject the said Bill.

Edmund Jenings, William Cocke & Mann Page Esq^{rs} That the said Bill as it is now framed is unfit for the Governors Assent

And Edmund Berkely desired time for further Consideration before he delivered any Opinion therein.

The Governor thereupon declared, that if a full Council can be had before the end of this Session he would in a matter of this Consequence have the Opinion of the whole Board

Nov^r the 27th 1718

Present

The Governor

Edmund Jenings
Robert Carter
James Blair

Phil Ludwell
John Smith
W^m Cocke &
Mann Page Esq^{rs}

On hearing at this Board the complaint and Accusation of Rich^d Fitzwilliam against Henry Irwin for fraudulent Practices in his Office after a full Examination of the severall Articles of the Charge and examining upon Oath M^r Alexander M^ckenzie a Witness produced by the said Fitzwilliam together with the Books and Accounts of the said Irwin It is the Opinion of this Board that the said Rich^d Fitzwilliam hath not made out the Allegations of his Complain[t], And that there doth not appear that the said Irwin is guilty of the Frauds with Which he is Charged And therefore it is ordered that the said Compalint be dismiss^t.

December the 1st 1718

Present

The Governor

Edmund Jenings
Robert Carter
James Blair

Philip Ludwell
W^m Cocke &
Man Page Esq^{rs}

Ordered that a new Commission of the Peace Issue for the County of Northumberland with the Addition of the Severall Persons recommended to be Justices there.

Ordered

That a New Commission of the Peace Issue for the County of Middlesex with the Addition of the Severall Persons recommended to be Justices in the said County.

On the Petition of John Bolling Gentⁿ Leave is granted him to take up in one Tract 1000 Acres of Land joining upon his Plantation on Treasurers run in Henrico County on the N^o side of James River and 1000 Acres more in another Tract on the S^o Side of the said River in the same County This Board being satisfied of his Ability to Cultivate the same according to Law

On the Petition of W^m Craig setting forth that he Advanced to Severall Soldiers that Listed in y^e Service of South Carolina the sum of five pounds four Shillings and Seven pence half penny and took assignments upon their Pay trusting to the publick faith of the said Government of S^o Carolina that the pay of the said Soldiers would have been remitted hither according to their agreement & praying that for as much As the said Government hath neither made any such remittance nor suffered the persons indebted to return to this Colony whereby he might have been relieved, that therefore this Board will Grant him such relieff as shall be thought reasonable The Gov^r and Council taking the same into Consideration have thought fit to order as it is hereby ordered that upon the Petitioner making oath to the account now exhibited his Maj^{ty}s Rec^r Gen^l do pay the same out of the Revenue of 2^s per hh^d &c, the Petitioner delivering into the hands of the said Rec^r such Assignments as he hath upon the pay of the said Soldiers.

Ordered that there be paid to Gabriel Maupin the sum of one pound two Shillings & Six pence out of his Majestys Revenue of 2^s per hh^d &c It being for the Diet And Accommodation of a Cattawba Indian Woman during the time She staid in W^msburgh waiting for and Opportunity to be sent home to her Nation.

The Governor acquainted the Council that there being lately a Criminal Committed to the publick Goal for Felony he intended to appoint a Court of Oyer and Terminer for Tryal of the said Criminal on the second tuesday of this Month pursuant to his Majestys Instructions and further declared that as he intended to appoint the Council & none other to be Judges of the said Court so he expected a declaration from them that they do not Claim it as their Right to be sole Judges in such Courts, but that, According to the Opinion of S^r Edward Northey his Majestys Late Attorney Gen^l they do acknow-

ledge that the Power of Nominating Comm^{rs} in such Special Commissions of Oyer & Terminer with or exclusive of the Council is Vested in the Crown and is well Given to the Governor of this Colony by his Commission.

M^r Commissary Blair in behalf of the Trustees of the Colledge of W^m & Mary recommending M^r John Scilater as a fit Person to be Surveyor of York County in the room of Rich^d Silater deceas'd The Gov^r with the Advice of the Council is pleased to approve of the said John Silater if upon examination before the Surveyor Gen^l he be found quallified for that Office.

At a Council held at the Capitol the 9th day of Dec^r 1718

Present

The Governor

Edmund Jenings
James Blair
Phil Ludwell

John Smith
W^m Bassett
Nath^l Harrison &
Mann Page Esq^{rs}

The Governor laid before the Board a Paragraph of S^r Edward Northeys Opinion upon the dispute between him and some of the Council concerning the Power of Nominating Commissioners of Oyer & Terminer which Paragraph was read and is as follows. Viz

That it is most plain the Power of appointing Special Commissions of Oyer and Terminer &c was & is in the Crown, and is well given to the Governor by his Commission, And in such special Commissions of Oyer and Terminer such Persons may be appointed Commissioners therein with or exclusive of the Council.

After reading whereof the Governor acquainted the Board that having at last Council told them that he expected a declaration from such of the Gentlemen as have hitherto disputed his Nomination of Judges, That they do acquiesce in the aforegoing Opinion of his Majestys Attorney Generall, he now insisted on their delcaring themselves on this Point least his Nomination of the Council to be Sole Judges of the Present Court of Oyer & Terminer Should be interpreted as a giving up that Power which the Crown hath thought fit to Vest in the Governor & the rather because he understands it has been reported in the Country that the Council did not by acquiescing last April in the Determination of the Board of Trade intend to yeild that the Right they claimed of being sole Judges in Criminall matters, or that the Governor has power to constitute others except only on extraordinary Occasions whereupon Edmund Jenings & Mann Page Esq^{rs} declared that as they had never disputed the Power of the Governor to Nominate such Judges of the Courts of Oyer and Terminer as he should think fit so they now readily acquiesce in the above Opinion of his Majestys Attorney Gen^l And the other Gentⁿ of the Council declared that seing the determination of the Council of Trade (in which they have already acquiescd) appears to have been grounded on the Aforementioned Opinion of his Majestys Attorney General they concieve their Submitting to the Lordships decision doth necessarily Imply

their acquiescing likewise in the Opinion of his Majestys Attorney Gen^l upon which the same is founded.

The Governor acquainted the Council that one Robert Fletcher some days ago brought into the Lower district of James River in this Colony a Sloop called the Providence on Board of which were three Pirates committed to the Charge of the said Master by the Governor of S^t Thomas's in order to be carryed to South Carolina and tryed there, that the said Fletcher instead of Proceeding to South Carolina came in hither pass'd by both his Majesty's Ships of War and the Officers of the Customs without reporting his Vessell or delivering up the Prisoners but instead thereof set them at Liberty with a Certificate that they were Ship Wreckt men, that the said Pirates being discovered were apprehended and are now in custody on Board his Majestys Ship the Pearle, That information thereof being given to the Governor he had issued a Warrant for bringing the said Fletcher before him, That upon his Examination he confess'd his setting at Liberty the said three Pirates and also own'd that they in Company with divers others under the Command of one Charles Yates a Pirate had taken the said Sloop Providence the 2^d of September last past, that from the Character of Fletcher (being the same who run from hence last Year with a Shallop and Cargo and the manner of his coming into this Colony there appearing just Grounds to Suspect his fraudulent intensions towards the Owners of the said Sloop Providence, The Governor did thereupon order the Navall Officer to secure the Sloop and Goods for y^e benefit of the Owners and set the said Fletcher on Board the Man of War both to have him as an Evidence against the Pirates as to prevent his Escape till the owners of the Sloop in which he arrived should have notice of his being here but that upon Examination of the Papers on Board the said Sloop a discovery has been made that she has been imployed in a Clandestine Trade between South Carolina and Curassea And that the Negroes and Cocoa imported here in her is the produce of 200 Barrells of Pitch & Tarr carryed directly from Charles Town to the aforesaid Island contrary to the Acts of Trade, upon which the Naval Officer has Seized the Vessell & Cargo and the Governor declared that he had given the Board this Relation of the whole matter to the end he might have their Opinion whether there be any irrigrularity in the taking up the Pyrates in order to their Tryall or in seizing the said Sloop as an Illegall Trader, To which the Council declare that they know no Irrigrularity in either of the said Proceedings the same being only in order to a Legall Tryall

At a Council held at the Capitol the 11th day of March 1718.—

Present

The Hono ^{ble} : Alexander Spotswood his Majestys L ^t Governor	
Edmond Jenings	Philip Ludwel
James Blair	William Basset &
	William Cock Esq ^{rs}

The Governor acquainted the Council, that five Negroes of the crew of Edward Thack & taken on board his Sloop remaine in Prison for Pyracy; that he had Delayed their Tryal till the Severity of the

Winter Weather was over, that he might have a full Council, in order that he might have a more Solemn examination of the several piracys of which these and the rest of that Crew have been guilty: that he judged this the more necessary because he finds reports are industriously spread abroad, that Thack and his Crew were not only within the benefits of his Majestys late pardon, but likewise that the Sloops were fitted out for taking them after the said pardon was actually taken here, tho' it is easy to be proved that the same did not arrive till upwards of a month after these Pirates were taken and what is yet more unaccountable; practices are sett on foot in the Government of North Carolina to justify that Crew as innocent of any Piracys since their first Surrender That a greater number of the Council would have mett now, but seing no more are to be expected at present he desired the opinion of this Board, whither there be any thing in the circumstances of these Negroes to exempt them from under going the same tryall of other Pirates. Whereupon the Council are of Opinion that the said Negroes being taken on board a Pirate Vessel, and by what yet appears, equally concerned with the rest of the Crew in the same Acts of Piracy, and ought to be tryed in the same manner, and if any diversity appears in their circumstances the same may be considered on their Tryal:—

The Governor was pleased to take notice that a demand was lately made of sundry copys of transactions in Council, which he judged ought not to be given out without special directions, for tho' he had admitted that every member of this Board may at his pleasure have the perusal of the Council-Journals, yet it may be inconvenient to leave the Clerks of the Council Liberty to give copys of every proceeding of the Board when it is demanded, without the knowledge or allowance of the Governor whether it be fit that such proceedings be made publick. And therefore he thought it expedient, for his Majesties Service, that when any of the Council demand copys of such transactions as concern the administration of the Government or the Kings imediate Service or interest that the Clerk shall first inform the Governor to the end he may be satisfied whether it be proper to let such copy be made publick before he has the advice of the Board thereon.

On reading at this Board the copy of an order of the Governor and Council of North Carolina appointing Commissioners to mark out the boundarys between this Colony and that Province, and notifying the same to the intent the like Com^{rs}. may be appointed here: The Governor acquainted the Council, that he had hitherto received no directions from his Majesty in relation to that affair, since the proposal transmitted for deciding that controversy and that therefore he had excused himself to the Gov^t of Carolina that he could not proceed therein without his Majestys Approbation.

On the Petition of George Symms, Leave is granted him to take up Three Thousand Acres of Land in one Tract lying in the County of New Kent near the foot of the little Mountains. This Board being Satisfied of his Ability to cultivate the Same according to Law.—

On the Petition of Thomas Jones Merchant, Leave is granted him to take up in one Tract Five thousand acres of Land lying on Swift

Creek in the County of Henrico. This Board being Satisfyed of his Ability to Cultivate the same according to Law.

On the Petition of Drury Bolling, Leave is granted him to take up in one tract One Thousand Acres of Land, joyning on an entry of James Thweats on Naonassine Creek in Prince Georges County this Board being Satisfyed of his Ability to Cultivate the same according to Law.

Whereas William Stoke and Aure Van Pelt were at a Court of Admiralty held at the Capitol the 17th day of December last past tryed and convicted of piracy for taking and runing away with the Sloop Providence on the Second day of September last past, and upon their Tryal alledged that they with others concerned in the taking the said Sloop, had two days before desarted from one Charles Vane a Pirate and brought with them 90 Negroes which the said Vane had Piratically taken from a Briganteen bound to South Carolina with an intention to goe into Charlestown to accept of his Majestys pardon, and that the only reason of their pursuing and taking the said Sloops Providence was to furnish themselves with a Pilot to Conduct them over the Barr of Charles town in order to their Surrender: but no proof being made of this their allegation: Sentance of death passed upon them, according to the Facts proved at their tryal. And forasmuch as there is now certain advice that the Crew to which the said Stoke and Van Pelt belong [did] proceed to Charlestown and Surrender themselves and did also deliver up the Negroes which they had rescued from the other Pirates,

It is the unanimous opinion of this Board that the said Stokes and Van Pelt are fitt objects of his Majesties mercy, they having endeavoured to get to Charlestown in order to their Surrender and were prevented by bad weather, And that therefore the Governor be requested to grant them a Pardon—

The Governor desiring the advice of this Board if the Pirates which have been convicted and received the benefit of his Majestys Pardon ought to be allowed the Liberty of Stragling about the Country; being persons of whose behaviour the Governm^t can have but Small confidence. The Council are thereupon are of opinion, That if the Capt^s of his Majestys Ships on this Station are in want of Men, upon their application it is fitt the said Pyrates be Sent to Serve on Board the said Ships as has been Customary heretofore in the case of Vagrant Seamen.

At a Council held at the Capitol the 17th day of April 1719

Present

The Hono ^{ble} . Alexander Spotswood his Matys Lt. Govr.	
Edmond Jenings.	John Smith.
Robert Carter	John Lewis.
James Blaire.	Mann Page.
Philip Ludwell.	W ^m Bassett.
	Nath ^l Harrison Esq ^{rs} .

Whereas the General Assembly Stands prorogued to the 12 day of May next: this Board taking into Consideration that there is no imediate occasion for its Sitting.—It is Ordered That a Proclamation Issue proroguing the said Assembly till the 10 day of November next,

Whereas Cap^t Ellis Brand Comander of his Majestys Ship Lyme hath Notified that he is directed by the Lords of the Admiralty to return from thence to Great Britain with such of the Trade as shall be ready to go under his Convoy on the 15th of next month, It is Order^d That an embargo be laid on all Ships bound for Great Britain untill the departure of the said Convoy, And the Naval Officers are hereby directed to give timely notice hereof in their respective Districts and to take care that no Ships or Vessells be cleared out for Great Britaine untill the tenth of the said month at which time they are to take Bond of the several Masters according to Law for observing this Embargoe and for their repairing to the mouth of James River to joyne the said Convoy against the time above limited for their Departure.

Present

M^r Secretary Cocke

The Governor proposing to the Consideration of this Board whether it be necessary to prohibit the exportation of Corn since he understands there is so great Complaints of a Scarcity in divers places of the Country: the same is referred till the next meeting of the Council.

The Governor acquainted the Council that some of the Works about the Governors house not being finished will be in danger of being spoyled if care be not taken to compleat the same. That since the house of Burgesse's have thought fitt to fault his management of the said works, and judged the finishing what the Law has directed; to be lavishing away the Country's money, he might very well content himself with letting those works lye exposed to the injury of weather which will soon render useless all the Expençe which hath been laid out upon them, were it not for the Concern both for the Hono^r and Interest of the Countrey that so much Labour & Cost should not be altogether rendered fruitless & vaine. And therefore he now proposed to the Consideration of this Board whether they think it advisable that those works already begun should be finished. Whereupon the Council are of Opinion that such works as are begun about the said House, and may be in danger of becoming useless for want of being compleated ought to be finished with all convenient Speed.

At a Council held at the Capitol the 24th day of April 1719.

Present

The Governour

Edmond Jenings
Robert Carter
James Blair
Philip Ludwell
John Smith

John Lewis
William Bassett
William Cocke
Nath^l Harrison &
Mann Page Esq^r

The Governor acquainted the Council that the great Men of the Nottoway Indians have Complained to him that one of their Men hath

lately been killed by an English Man in Henrico County whose name they do not know. That upon this Complaint he had taken occasion to enquire of some Gentlemen in that neighbourhood how the said Nottoway Indian came by his death and was informed that a Coroners Inquest has been held on the body of that Indian who found that being in drink he had accidentally fallen into a Creek and was drowned: but nevertheless he thought it necessary at present to promise the Indians to make farther enquiry after the death of the S^d Indian in regard he understands there is now a body of Senequas at the Nottoway town and it may not be fitt to give the Nottoways any cause to believe themselves Slighted herein, least they Should persuade the Senequas to revenge the Quarrel by the murder of some of the English And the Governor asking the advice of the Council therein. It is the unanimous Opinion of the Board that what the Gov^r has already proposed is the most prudent Answer. Viz^t That this Board will with all convenient speed enquire into the ground of their complaint and give them all due Satisfaction if it appears that their Indian was actually killed by any of the English. And the great men of the Nottoways were accordingly called in and acquainted therewith.

The Nottoway Indians Informing the Governor that the Senequas now at their Town desired a passport for their more Convenient travelling through the Inhabitants of this Country in their return home. The Governor with the Advice of the Council was pleased to tell the said Nottoway Indians and desired them to tell the Senequas; That if the said Senequas would attend him at Williamsburgh and Satisfy him of their being in Friendship wth the English he would then grant them such a Passport as they desire, but that he could not permitt any Indians to pass through the Inhabitants of this Country of whose friendship and Peaceable condition he was not well assured—

This Board having resumed the consideration of what was proposed by the Governor of the 17th instant relating to the exportation of Grain, and having well weighed the circumstances of the country and the present Scarsity occasioned through the badness of the last years Crop, and the great exportation of grain last winter have thought it necessary that all further exportation of Indian Corn and Wheat be prohibited after the tenth day of next month except only where such grain shall be actually Laden for exportation before that time, and Proclamation was ordered to Issue accordingly.—

The Officers of his Majestys Revenue informing the Board that the Sheriffs of Norfolk Nansemond and Isle of White Countys have not compleated their Collection of his Majestys Quitt Rents in those Countys; and desiring directions how to proceed with the s^d Sheriffs for their failure therein. It is the Opinion of this Board that the Sheriff of Norfolk County being but lately entred on his Office after the death of two former Sheriffs ought to have a reasonable time allowed him for finishing his Collection and Compleating his rent Roll. That the Officers of the Revenue receive of the Sheriff of Isle of White so much of the Quitt rents as he acknowledges to have been Collected by him and that he have a months time to Compleat his rent Roll and pay in the Remainder: And upon his failure then, that his bond be put in

Suit. But forasmuch as the Sheriff of Nansemond hath had Sufficient time allowed him for Compleating his Collection and nevertheless hath been so remiss in his Duty as to neglect the same.

It is ordered. That his Bond be forthwith Sued as well for the Arrears of the former Years Quitt Rents as of the last years.

And whereas it has been represented that Goods taken by Distress for his Majestys Quitt-rents & other dues are often valued at a higher rate than the same can be Sold for.

It is ordered that in such Cases the Sheriffs Shall make a particular Return to the Officers of the revenue of the Species of the Goods Seized the price at which the same were valued by the appraisors & the price for which the same were afterwards Sold and where the said Sheriffs shall afterwards make due proof that such distress could not be Sold for so much as the Appraisment the Officers of the Revenue are hereby directed to accept the same according to the Sale.

At a Council held at the Capitol the Second day of May 1719

Present

The Governor

Edmond Jenings
Robert Carter
James Blair
Philip Ludwell

John Smith
John Bassett
Nath^l Harrison &
Mann Page Esq^{rs}

The Governor was pleased in Council to Nominat the following Persons to be Sheriffs for the Several Countys for the ensuing years
Viz^t

Accomack.....	Richard Drummond
Northampton.....	George Harmonson
Princess Anne.....	George Hancock
Norfolk.....	John Halstead
Nansemond.....	Joseph Meredith
Isle of White.....	Joseph Godwin
Surry.....	William Grey
Prince George.....	James Thweat
Glocester.....	Giles Cook
Lancaster.....	Henry Fleet
Richmond.....	Edward Barrow
Stafford.....	Thomas Hooper
Westmoorland.....	Henry Lee
Elizabeth City.....	John Bailey
Henrico.....	Thomas Jefferson
Charles City.....	Drury Stith
Warwick.....	Nathaniel Hoggard
James City.....	James Duke
King William.....	John Quarles
King and Queen.....	Lawrence Orrel
Essex.....	Augustine Smith
Middlesex.....	John Vivion
Northumberland.....	Christopher Neal

*Present*William Cocke Esq^r

John Grymes Esq^r Deputy Auditor of his Majesty's Revenues intimating that he had something to Lay before this Board; He was called in, and declared that he came to desire Leave to present a petition and Leave being readily granted him, he presented the same accordingly, Settingforth that by a Decree of the Court of Vice Admiralty the Sloop Adventure with the Goods Tacle and Apparel and a considerable quantity of Shugar Cocoa and other goods have been Condemned and the Produce thereof directed into a new and unusual Channel, and praying that the same may be directed into the hands of his Majesty's Receiver General, and that he the said Deputy Auditor may have the auditing & inspecting the accounts thereof according to the Pattent granted to M^r Walpoole.—Whereupon the Governor answered that if M^r Grymes had at any time intimated to him his Claime to Audit the Accounts of the fore mentioned Goods or signified y^t he intended to preferr such a petition as this, he should have been ready to have satisfyed him that the Goods insisted on being Pyratically taken on the high Seas and afterwards seized as such by the Kings Men of Warr and brought in hither are not within the meaning of the auditor Generals Patent nor are put into any other Channel than what his Majestie has expressly directed by his Instructions; but seeing this Petition is brought in so unexpectedly, the Governor could not give him an imediat answer, but would as soon as he could conveniently state the several authoritys which give him power to secure such Effects without putting them into the hands of the ordinary Officers of the Revenues of this Colony. And in the mean time M^r Grymes (if he pleases) may have the perusal of the Accounts to see that nothing is charged therein but what is just: to which M^r Grymes replied that unless he may have the Salary of £5 per Cent for auditing these accounts, he did not desire to have any such trouble of inspecting them, being as he thought obliged to insist on that Allowance in behalf of M^r Walpool who is by agreem^t to have one Moity of the said Salary of £5 per Cent on all the Sums which he Auditts as his Deputy. Thereupon the Governor said that he would take time to consider of the Petition and prepare an Answer to it such as he hoped would Satisfy M^r Walpool that he had no injury done him

A List being this day laid before the Board of the Pyrates belonging to the Crew of Edward Thach proved to be killed in the engagement with the Kings Sloops and of divers others taken tryed and Convicted for which the Rewards given by the late acts of Assembly are demanded

This Board being satisfyed with the p^{ro}of made. Are of opinion that the Rewards given by the said Act ought to be paid to the several persons to whom the same are due.

William Coppel by his Petition Setting forth that being employed to rebuild a vessell which was lately strained in this Colony. The Owners have by two several Ships bound to Maryland Sent him Sails Rigging and other Materials for that purpose which being Landed in

y^e lower parts of James River the Receiver of y^e Virginia duties obliged the Port^s to pay the full Port duties of the said two Ships as if they had come into Trade there, and praying that in consideration of that Expen^ce he may be permitted to Clear out in Ballast the Vessell he is now building without paying Port charges for the same. It is accordingly Ordered That if the said William Coppel clear out only with Ballast, he is excused Port duties for the s^d Vessell in consideration of his having paid the Port duties of those Ships which only brought in the Rigging and Materials for the fitting the said Vessell.

The following Warrants on the Receiver General is to be paid out of his Maty's Revenue of 2^s per hogshead Port dutys and head money were this Day signed by the Gov^r in Council Viz^t

To the Governor a half years Salary ending the Twenty fifth of April last.....	£ 1000
To the Gentlemen of his Majestys Council half a years Salary ending at y ^e same time.....	£ 175
To the Auditor General of the Plantations half a years Salary ending at the same time.....	£ 50
To the Solicitor of the Virginia Affairs for the same time.....	£ 50
To the Attorney General for the same.....	£ 20
To the Clerk of the Council for the same time.....	£ 50
To the Armourer for the same time.....	£ 6
To the Gunner of James City for the Same.....	£ 5
To the Judges and Officers of the Court of Oyer and Terminer held last December.....	£ 100
To William Robertson for Sundry minutes, Attendance 2 Assemblys & one Gene ^l Court.....	£ 15
To William Robertson for Sundry Expresses and other Contingent Charges.....	£36:1¼

And out of the Quarter Rents Viz^t

To Nathaniel Blackston Esq ^r half a years Additional Sallary.....	£ 100
To M ^r Commissary Blair one Years Salary.....	£ 100
To the Attorney General One years Additional Salary..	£ 60

The Account of his Majesty's revenue of Quarter Rents, and also an Account of his Matys Revenue of 2^s per hh^d Port duty's and Head money being Severally presented by his Majestys Receiver General and Sworn to, and were severally Certifyed by the Governor as usual.

On the Petition of Philip Ludwell and John Grymes Esq^{rs} Nicholas Merriwather & Christop^r Clerk Leave is granted them to take up in one Tract Fifteen Thousand Acres of Land begining at the foot of a Mountain at the head of the North Branch of the River Southanna & Running Southerly along the foot of the Little Mountains. This Board being Satisfyed of their ability to Cultivate the same according to Law

On the Petition of Nathaniel Harrison Esq^r and Henry Harrison Gentⁿ Leave is granted them to take up in one trackt Six Thousand Acres of Land in the County of Henrico within the following Bounds

Viz^t Begining at Appamatox River at the mouth of Geneto Creek, thence up the said River to a place known by the name of Rock Valley near W^m Prides Tower [Lower?] Horsepen thence North to a path commonly known by the name of William Tabors Path thence down the said Path or near its Course to the head of Batterwoods Creek thence Southerly to the place where it began: or if the Land above described be already taken up Leave is granted them to take up the like Quantity in some other place not yet entered for. This Board being satisfied of their ability to Cultivate the same according [to law]

On the Petition of Thomas Jones Merchant Leave is granted him to take up in one Tract five Thousand acres of Land in Henrico County beginning at the mouth of fighting Creek on the North Side of Appamattox River down the said River to Genito Creek taking in the said Creek Running Northerly to John Preeds, Halcot Preeds and John Towns's lines taking in the heads of Batterwoods and Swifts Creeks to a place known by the name of Tabors Path, running westerly along the said Path to the head of Fighting Creek and down the said Creek to the Place it began. This Board being Satisfied of his Ability to Cultivate the same according to Law.

On the Petition of David Bray Gent^t Leave is granted him to take up is one Tract five Thousand Acres of Land in Henrico County beginning on the North Side of Mannan [Manican ?] upper Creek at Chaistains Corner Tree running along his Line to the outward Line of the French Settlement from James River running along the Side Line; Westerly to pleasants Line or fine Creek, then Southerly along the said Line to Jeffersons Turpins and Casleys and Archers Lines; Then Southeasterly along their Lines to their Corner Tree next the Manican Creek and following the several Courses up the s^d Creek to their uppermost Corner Tree; from thence Westerly along their Bounds till they Terminate; Then Southerly to Tabors Pathe; Then Easterly down the said Path to the head of Manican Creek and down the said Creek northerly to the place where it begins. This Board being satisfied of his Ability to cultivate the same according to Law

On the Petition of John Tulbitt Leave is granted him to take up in one Tract five Thousand Acres of Land in Henrico County beginning on the North Northeast Side of Manican Creek at Chaistains Corner Tree running Southeasterly along Chaistains & Dutoys, and the lines on the South South east Side of the said Creek taking in Chastains and Dutoys Branches: Then Southerly to the head of Swift Creek to Tabors path from thence westerly to the head of manican upper Creek running down the s^d Creek Northerly to the place where it began This Board being Satisfied of his ability to Cultivate the same according to Law

On the Petition of Michael Archer Gentⁿ Leave is granted him to take up in one Tract Five Thousand Acres of Land in Henrico County beginning at the Mouth of fighting creek on the North side of Appamatox River up the said River to a place known by the Name of Reides Lower Horse pen Northerly to Tabors path to the head of the Creek and Easterly down the said path to the head of fighting Creek and down the said Creek to the place where it began: This Board being satisfied of his Ability to Cultivate the same according to Law.

On reading the petition of Benjamin Bradley and Joshua Gee of London Merch^{ts} W^m Russell and Joseph Farmer Ironmongers praying that the Surveyour of Henrico County may be directed to Survey in one Tract four thousand Acres of Land entred by them with the said Surveyour on the 12th of February last lying in the said County beginning at the fork of the Road about Two miles from Grills Mill on the South Side of Swift Creek where one road goes up the Creek and the other to Wintopoke and bounding on the Land of Richard Grills and John Towns and so up the s^d Creek, the s^d Land being designed by them to Erect an Iron work: Leave is granted accordingly to the said Surveyor to Lay off for the Petitioners the said Quantity of Four Thousand acres within the bounds aforesaid in one tract This Board being Satisfyed of their Ability to Cultivate the same according to Law.

On the Petition of James Taylor Edmond Taylor Benjamin Arnold and George Woodroff Leave is granted them to take up in one tract Six Thousand acres of Land in the County of New Kent. This Board being Satisfyed of their ability to cultivate the same according to Law.

On the Petition of Francis Thornton and Anthony Thornton, Leave is granted them to take up in one Tract four Thousand acres of Land in the County of New Kent. This Board being Satisfyed of their Ability to Cultivate the Same according to Law.

On the Petition of William Kallow Gentⁿ Leave is granted him to take up in one tract Two Thousand four hundred Acres of Land in the County of Prince George. This Board being Satisfyed of his ability to Cultivate the Same according to Law.

On the Petition of Ralph Brooker Clerk, Leave is granted him to take up in one Tract four Thousand acres of Land in the Countys of King and Queen, and Essex. This Board being Satisfyed of his Ability to Cultivate the same according to Law.

On reading at this Board the Petition of Alexander Marshall Setting forth that Some years agoe he purchased of one Michael Michell his right of a Survey of Six hundred & Twenty eight acres of Land in the County of Henrico as by a Conveyance thereof under the hand & Seal of the said Michell may appear and upon an application to this Board obtained an Order for a Patent in his own Name for the said Tract but by some mistake of the Clerks in writing out the said Patent the same issued in the name of the afores^d Michell who is long since dead and praying that a new Patent may Issue in the name of the said Alexander Marshall for the said Land. And if the former Patent to Michell be recorded that this order be entred on the Margin of the record of the same to the end it may Appear that the Land therein mentioned was granted to the s^d Michell by mistake as afores^d.

On the Petition of Richard Bellamy praying a Grant of one hundred acres of Land lately found to Escheat from Anne Bellamy dece^d.

It is ordered That the Petitioners pretensions be heard before this Board on the Third day of the next Gen^l Court, of which the Petitioner is hereby directed to give notice to the person of whose instance the escheat of the s^d Land has been prosecuted.

On the Petition of William Hall for vacating a caveat entred by Pollard against a Patent Sued out by your Pet^r.

It is ordered that a Patent be forthwith granted the said William Hall for the Land Petitioned for it appearing to this Board that the s^d Robert Pollard has Submitted his pretentions to the arbitration of Colonel James Taylor.

On reading and considering at this Board the Petition of Stephen Sunter and the answer of the Surveyour of New Kent County relating to an entry for Land made by the said Sunter in the aforesaid County. the said Petition appearing to be frivolous is Dismist.

Thomas Warsley by his Petition Setting forth that in the year 1709 he being under the Sheriff of King and Queen County did account and pay the Quarter rents for divers Tracts of Land which he had not then actually received and amongst the rest paid the Quit rents of Three Thousand Acres of Land belonging to Augustine Smith of the County of Essex who refuseth to repay the same Alledging that the s^d Land was then Sold to Henry Armstead of the County of Gloucester Gent and praying to be relieved therein.

It is ordered That if the Officers of his Majestys Revenue are Satisfyed That the Petit^r did pay the Quitt rents of the afores^d tracts of 3000 Acres for the year 1709 That they cause the same to be Demanded of the present Proprietor as an Arrear, and if it be recovered as such, that the same be repaid to the Petitioner.

On the Petition of Michael Holland Setting forth by the encouragement offered by the Government of South Carolina, he Listed himself as a Soldier to goe to the relief of that province and Continued in the said Service for the space of Three months untill by an impostumation in his Knee he was disabled and obliged to return back to Virginia, that during the time of his said Service in Carolina he received no pay or any other Consideration from that Province, and altho the Soldiers Sent to it's assistance by agreement was to be Transported back at the Charge of South Carolina Nevertheless the Pet^r was obliged to pay Three pounds for his passage, and praying to be relieved therein:

It is thereupon ordered that the Sum of Six pound Seven Shillings and Sixpence be paid to the Pet^r out of his Majestys Revenue of 2^s hh^d &c in Consideration of his Service in South Carolina and defraying the Charge of his passage back.

William Barber Setting forth by his Petition that in the year 1715 upon the encouragement offered by the Government of South Carolina Sent a Servant man as a Soldier to the Assistance of that Province in which Service he continued the Space of nine months but instead of remitting the pay due for the s^d Servant and other encouragements offered by the part of that Governm^t the said Servant was returned without any Consideration for his Service and in so Ill a State of health occasioned by the fatigue he endured and the ill usage he received in the afores^d Province, That he became altogether useless to the Pet^r and praying to be relieved therein: The Petition is referred for the Pet^{rs} making appear how much of the said Servants time was unexpired when he was Sent to the assistance of Carolina to the end this Board may consider whether it be most beneficial to purchase the s^d Servants time and to allow to the Petitioner the pay promised by the Province of South Carolina.

A new Commission of the Peace was this day ordered for Stafford County with the addition of several new Justices.

At a Council held at the Capitol the 28 day of May 1719

Present

The Hono^{ble} Alexand Spotswood his Matys L^t Governor
Edmond Jenings James Blair
William Cocke Esq^{rs}

On Reading at this Board a Letter from the R^t Hono^{ble} James Craggs Esq^r his Matys principal Secretary of State dated the 24th of September 1718 inclosing his Majestys Declaration of Warr against Spaine:

It is ordered that pursuant to his Majestys Royall pleasure the Warr be this Day proclaimed by Sound of Trumpett and the usual Solemnities at the Market place in Williamsburgh and that Copys of his Majesty's said Declaration be sent to be published and affixed at the Several Ports within this Dominion

Ordered that a proclamation Issue Notifying his Majestys pleasure for pardoning all Pyrates that shall Surrender before the first day of July next ensuing and also to notify that his Majesty hath been pleased to impower the Governour of this Dominion to grant Pardons to all such as shall so surrender either here or in Carolina or Maryland and for their better Information of his Majestys pleasure herein: That a Copy of his Majesty's said Declaration be lodged with the Naval Officers of the respective Districts.

The Governor acquainted the Council, That he had received from the Lord Comm^{rs} of the Admiralty a Warrant Impowring the Court of Vice Admiralty here to try and Condemn Prizes taken by his Majestys Ships of Warr or Privateers during the present Warr with Spaine in the same maner as such prizes were tryable during the late warr with France. And read a Letter from M^r Burchet Secretary to the Lords of the Admiralty intimating that a proclamation would speedily Issue whereby his Majesty will give the Sole property in such prizes to the Captors if taken by the Ships of Warr, and if by Privateers to be disposed of according to the agreement between the owners and Men. And thereupon acquainted the Board That Cap^t John Martin had made Application for a Comission or Letter of Marque for fitting out Sloop called the Ranger as a Privateer and desired the Advice of the Board therein: The Council declare their Opinion. That it is fit such Commission be granted.

The Governor communicated to this Board a Letter from the Justices of Essex County giving an Account, That on Sunday the 10th instant fifty Senequa Indians came to M^r Lawrence Tallafero's Quarters and took away all the Provisions they found there and said that Three hundred and fifty more of them were encamped at the foot of the great Mountains on their return from making Warr with the Southern Indians from whom they had taken divers Prisoners. And the Governor acquainted the Council that the reason he had taken

no notice of this Alarm was because of the resolution of the Board the 31st of May 1718 That no measures should be entred into with the Northern Indians untill they should Comitt actuall Hostilitys on the Inhabitants of this Colony and he did not know whither the Gent who were of that Opinion then would judge the Plundering a House such an Act of Hostility.

The Governor further acquainted this Board That Wittmannitacighkee chief man of the Catawba Indians with five of his Nation came hither Two days agoe but as they brought no interpreter with them he did not yet know the design of their coming The Council are of Opinion that the said Cattawba Indians be entertained here till an interpreter be sent for

The Governor was pleased to Nominate and appoint Christopher Borrowgh Gent to be Sheriff of Princess Anne County in the room of George Hancock who was by mistake inserted in the List of Sheriffs last year his Two years being expired.

At a Council held at the Capitol the 26th Day of June 1719

Present

The Governor

Edmond Jenings
James Blair
John Smith

William Bassett
William Cocke &
Nath^l Harrison Esq^{rs}

The Governor Communicated to the Council a Petition from the Frontiere Inhabitants of the County of New Kent, and another from the Frontiere Inhabitants of the County of Henrico representing the great and eminent Danger they apprehended themselves exposed to by the frequent marches of the Northern Indians through their Plantations, their Insolent behaviour towards the said Inhabitants and threatning to come in greater Numbers to Fall upon the English of this Colony and so cutt off and destroy the Sappone Indians and praying such Measures may be taken as may protect them in their Lives and estates from the insults of those Indians. And the Governor also laid before this Board a Letter from the Hono^{ble} William Keith Esq^r Governor of Pensilvania giving an account that a great Body of the s^d Northern Indians of the five Nations with some of the Tributary Indians of that province are marched away towards Virginia privatly declaring That they intend to Try the Strength of the English at the fort of Christanna and also inclosing an account of a Conferance at Cannestogoe between one of his Matys Justices of the peace of the County of Chester in the said Province of Pensilvania and a party of the said Northern Indians who had brought thither divers Prisoners from the Southern Gov^{rn}t in the Continent in which it Appears That the Indians of the Cayouga Nation plainly declared That they expected a Free recourse for their People through the English Plantations while they were making Warr on their Enemys, and after reading the said papers the Gov^r was pleased to ask the Advice of the Council what measures they Judged proper to be taken for the Protection of

the Inhabitants of this Colony seeing the methods he hath heretofore pursued and whereby this Colony has been preserved for this five or Six years past Free from any Disturbance on its frontiers were faulted by the last General Assembly and that the Council hath heretofore declined entring upon any Terms with these Indians untill actual Hostilitys should be Comitted; And Declared that if this Board can take a more Effectual Course for the Defence of the Country than what he hath hitherto proposed he shall readily follow their Advice. Whereupon the Council having taken this matter into Consideration are of Opinion as follows.

First. If the Northern Indians shall attack the Fort of Christanna. Then it is the Advice of this Board That the Governor order out of the Militia of the Adjacent Countys to relieve that place and to repell the said Indians by force, This Government being obliged to protect the Tributary Indians Settled there as well as the English Inhabitants residing at the said Fort.

Secondly. That if any of the said Northern Indians shall Attempt to pass through the Inhabitants in their way to the Southward: It is the Advice of this Board, That the Governor issue his Orders to the Commanding Officers of the Militia on the Frontier Countys upon Notice of such March to order out such a force as shall be necessary for the Protection of the Inhabitants, but with this Caution that the Militia do not Attack the Indians unless they begin Hostilitys upon his Majestys Subjects, and because it is necessary That the Militia of the said Frontiere Countys to be provided for opposing any incursions of the said Indians The Council do further Advise the Governor to Issue his Orders of those Countys to Cause the Militia to be mustered and to take care that the men Serving under their Comand do provide themselves with arms and Amunition according to Law.

Thirdly. For preventing any open rupture which may happen through the rashness or Indescretion of the officers comanded out for the guard of the Frontiers. The Council do advise That express orders be given That whatever Officer of the Militia shall meet with any party of Indians marching through the Inhabitants he shall endeavour in a friendly manner to speak with them and lett them know it is the Orders of this Government that they do not pass through the Inhabitants or come near any of the English Plantations, but if notwithstanding such Admonitions the said Indians will not alter their Course but proceed to March through the Inhabitants That then such Officer do send immediate notice thereof to the Governor together with the best intelligence he can get of the rout the said Indians intend to take.

Fourthly. Whereas the said Northern Indians frequently resort to the Towns of the Tributary Indians and particularly the Nottoways: The Council do advise the Governor to order the Tributary Indians immediately upon the Arrival of any the Northern Indians at their Towns to Send him Notice thereof and that thereupon the Governor dispatch some discreet Person to Discourse with those Northern Indians and to endeavour to direct them from passing through the Inhabitants and for asmuch as it is Credibly reported that some of the Nottoway Indians have Conducted the Northern Indians in their late

march through. The Council do also advise the Governor to give express Orders to the said Indians That they do not for the future Suffer any of their Indians to be employed as Guides to the Northern Indians on pain of being Severely punished for the same.

And Lastly The Council do advise the Governor to write to the Gov^r of New York to use his authority and Interest to restrain the five Nations under his Government from passing through the Inhabitants of this Colony; to which last part of the Councils advice, the Governor was pleased to Answer That he had already writt in the most pressing Terms he could to the Governor of New York on that Subject and could add nothing more to prevent those dangers which apparently threaten our Frontiers by the marches of the Five Nations.

The Governor acquainting the Council that he had lately received a Complaint from the Nottoway Indians of the Sapponies killing one of their young Men and that before he read that Comp^t upon advice of such a Murder being comitted he had sent to the Sapponies to bring down the Persons concerned therein but that they refused to Deliver them up: And therefore asking the Advice of this Board how to proceed for the Satisfaction of the Nottoways. The Council do accordingly advise That the great men of both Nations be ordered to Attend the Governor at such time as he shall think fitt in order to an examination into the occasion & Circumstances of the said Murder. Whereupon the Governor was pleased to appoint next Thursday come fortnight being the 14th of July for hearing the said Indians in Council

Whereas Captain George Gordon Comander of his Matys Ship Pearl is ord^d by the Lords Comm^{rs} of the Admiralty to Proceed from hence to Great Britain with such of the Trade as shall be ready to accompany him on the last day of July.

It is ordered—That from and after the tenth day of the said Month no Ship or Vessell bound for Great Britain be Cleared but such whose joyning the Convoy at the mouth of James River at the time above Limited for its departure and proceeding in Comp^a therewith. The Masters shall give Bond according to Law and the Naval Officers are directed to take notice thereof and to Conform themselves accordingly.

Whereas by Proclamation bearing date the 17th Day of April last past the exportation of Wheat and Indian Corn was prohibited upon the then apprehension of a Scarsity of those kinds of Graine, but it now appearing that there is a greater Quantity of bothe in the Country than is necessary for the Subsistance of the Inhabitants and also a prospect of a plentiful Crop this year It is therefore ordered that the afores^d Prohibition be taken off, and that all persons be permitted to export Wheat, and Indian Corn in the same manner they might have done before the said Prohibition and the Naval Officers are directed to give notice hereof in their respective distracts.

On a Representation from the Justices of Essex County

Ordered That a New Comission Issue for the said County with Addition of sundry new Justices.

On the Representation of the Justices of Norfolk County a new Commission of the Peace was Ordered to be Issued for that County with the addition of sundry new Justices; And at the Desire of the

Court the Governor was pleased to Appoint John Willson Sheriff of the s^d County for the ensuing year in the room of John Halstead deceased.

Ordered That a new Comission of the Peace Issue for New Kent County with the Addition of sundry new Justices.

Ordered That a New Commission of the Peace Issue for Charles City County with the Addition of sundry new Justices

At a Council held at the Capitol the 14 Day of July 1719__

Present

The Governor

Edmond Jenings
James Blair
Philip Ludwell

John Lewis
William Cocke &
Nath^l Harrison Esq^{rs}

This Day being appointed for hearing and examining the Complaint of the Nottoway Indians against the Sapponies. The great Men of Nations Attended the Board and were heard by their Interpreters And the Sapponies alledging that the Murther Complained of by the Nottoways was comitted by the Cattawba Indians and not by any of their Nation. And the Nottoways on the other hand offering to prove by the testimony of some of our English Inhabitants that the Scalp of the Indian Killed was seen in the hands of one of the Sapponie Boys. The further examination of this matter is referred till the next General Court, and the Nottoway Indians were told, That if they will give in a List of such Persons as can evidence in their behalf the Governor will order their appearance before this Board at the time of hearing, And the great men of the Sapponies promised to have the Boys (suspected of this murder) forthcoming if any proofs shall appear ag^t them.

The Governor informing the Council a Letter from William Thornton of the County of Richmond Gent Informing that eight of the Northern Indians had been for some time Skulking about the Frontiere plantations of that County and had come into Several Houses and taken away their Victualls and Provision which has given great uneasiness to the Inhabitants.

On reading at this Board the Severall Petitions of Samuel Corbesly Super cargoe of the Ship Robert and Enoch Robinson Master of the Ship Mermaid of Liverpool representing that the said Ships being Laden with Pitch and Tarr and bound for the Port aforesaid they are Advised by their correspondents and owners, That by a late act of Parliament no bounty is to be allowed for either of these Commodity's after the 29th of September next except for such as shall be packed in Cask of 31½ Gallons neat and that their greater part of their Lading being in barrells of less Dimensions they being detained here till the Departure of the present Convoy will prove the Ruine of their present Voyages by depriving them of the said Bounty money. And praying that in Consideration of the premises and of the little advantage they can reap from a Convoy from which they must Seperate upon their

Arrival near the British Channel. That therefore the said Ships may be permitted to Depart without waiting for the s^d Convoy: The Governor with the Advice of the Council is pleased to Order as it is hereby Ordered That the s^d Ships Robert and Mermaid be permitted to proceed on their Voyage for Liverpool notwithstanding the present Embargo. And the Collector and Naval Officer of the lower district of James River are directed to Clear the s^d Ships accordingly.

On the Petition of Nathaniel Harrison Esq^r Leave is granted him to take up in one Tract One Thousand acres of Land in the County of Surry lying in the North side of the Three Creeks and beginning where John Roberts shall Conclude his Survey of 300 Acres of Land and thence bounding on the said Roberts upper Line and on the Land of Richard Pace, and round peice of a Tract of Land belonging to your Petitioner to his upper Corner Tree. This Board being Satisfyed of the Pet^{rs} Ability to Cultivate the same according to Law.

On the Petition of George Alves John Lyme and William Clapton; Leave is granted them to take up Three Thousand Acres of Land in one Tract and Two Thousand acres of Land in another in the County of New Kent; This Board being saitisfyed of their ability to cultivate the same according to Law.

On the Petition of Richard Kennon Leave is granted him to take up in one Tract one Thousand acres of Land in the County of Prince George; This Board being Satisfy^d of his Ability to Cultivate the same according to Law.

At a Council held at the Capitol the 4th Day of September 1719.

Present

The Governor

Edmond Jenings
James Blair

Philip Ludwell
John Smith &
Mann Page Esq^{rs}

The Governor Communicated to the Council sundry Transactions of the Comm^{rs} for Indian affairs at Albany with the Deputys of the Five Nations, wherein among other things the said Indians declared that one of the principal Men of Virginia desired them to fall on the Indians Setled at Christanna and offered them Powder Lead &c for that purpose and thereupon the Governor asking the Opinion of this Board whither they would advise him to treat of a Peace with the said Five Nations which according to the general Opinion of the Governments to the Northward seems to be the most Effectual means to restrain their Incursions or what other measures this Board judge proper to be taken therein.

It is the Opinion of the Council that the consideration of this matter be deferred till a fuller Board

Ordered That the Interpreter to the Nottoway Indians Notify to their Great Men That the Governor wou'd have them with all convenient Speed send a List of such English Inhabitants as they Judge may be proper Evidences to prove their Complaint against the

Saponies to the End they may be Summoned to appear before this Board and that Speedy Justice may be done for the Murder Complain'd of.

The Governor asking the Opinion of the Council whither M^r William Robertson be a fitt and duly Qualifyed Person to Execute the Place of a Naval Officer in this Colony— And the Council declaring their Opinion that he is duly Qualifyed, The Governor was thereupon pleased to Say that he hath had Experience of the said Robertsons fidelity for near Ten years past and would therefore bestow on him the best place in his Gift and accordingly declared him Naval Officer of York River.

Some Objections having been made against the Rule Established in Council the Eighth day of Decemb^r 1715 for reading the Council Journals— It is now Ordered that the Minutes of each Council be read at the next Meeting before any other business be entred upon, and that this be observed as a Standing Rule for the future.

The Petition of Daniel Watts Master of the Ship Globe of London Referred 'till a fuller Council.

At a Council held at the Capitol the 15th day of October 1719.

Present

The Governor

Edmond Jenings
James Blair
Philip Ludwell
John Smith

John Lewis
William Bassett
William Cocke &
Mann Page Esq^{rs}

The Minutes of the Last Council were Read.

Nath^l Harrison Esq^r Present.

The Governor was pleased to declare in Council that he did Dissolve the General Assembly and it is ordered that a Proclamation Issue to Notify the said Dissolution.

M^r Commissary Blair Philip Ludwell and John Smith Esq^{rs} being the Majority of last Council Affirming that they then declared and desired it might be entered that it was not for his Majestys Service that M^r Burwell should be removed from the Place of Naval Officer of York River and M^r Robertson appointed in his Room; The Governor declaring that he did not then take notice of that Expression but seeing there is at present a full Board (only one of the Council being absent) he now takes the occasion to putt the Question whither this Board knows it to be prejudicial to his Majestys Service that M^r Robertson be Naval Officer of York River To which the whole Council Unanimously declare that they do not know it will be any prejudice to his Majestys Service that M^r Robertson be continued in that Office

October the 29th 1719*Present*

The Governor

Edmond Jenings
Robert Carter
Philip LudwellJohn Smith
William Bassett &
Nathaniel Harrison Esq^{rs}

The Minutes of last Council were read over and were accordingly approved.

On Reading at this Board the Petition of Daniel Watts Master of the Ship Globe of London setting forth that the said Ship having Entered and Cleared at Maryland and taken in there her Loading except about fifty or Sixty HH^{ds} which the Petitioner was directed by his Owners to Receive on Board from M^r Robert Tucker of Elizabeth River in this Colony: The Petitioner hyred a Sloop to fetch the said Tobacco to Potomack where the said Ship then lay but before the Sloop could proceed on that Voyage the Petitioner heard of the intended departure of his Majesty's Ship Pearl which obliged him to make the best of his way to James River to joyn the said Convoy That upon his Arrival in James River and desiring a Permit to take on Board the said Tobacco the Naval [officer] Obligated the Petitioner to pay the whole Tonnage of his Ship as if he had taken on Board his whole Loading in that Port and praying that forasmuch as he would only [have] paid the Duty of 2^s per hh^d for such Tobacco and the Tonnage of such a Sloop as might have served for the Transportation thereof to Maryland had he not been obliged to Sail Sooner and ordered to Sail with the Convoy That therefore the Naval Officer may be directed to accept of such Tonnage as wou'd have been due for a sloop of the Burthen of 60 hh^{ds} only and that he be discharged from the Payment of any Tonnage of his Ship This Board upon Consideration of the several Circumstances of the Petitioners Case are of Opinion That he be discharged from the Payment of any other Port Dutys than of the Sloop of which the Tobacco was to have been Transported into Maryland in case the Petitioners Ship had stayed to take the same on Board there.

Ordered—

That a new Commission of the Peace Issue for Princess Anne County with the addition of Sundry new Justices.

At a Council held at the Capitol the 3^d day of November 1719*Present*

The Governor

Edmond Jenings
Robert Carter
James Blair
Philip LudwellJohn Smith
William Cocke &
Nath^l Harrison Esq^{rs}

The Minutes of last Council were read as usual—

The Governor desiring the advice of the Council how the incursions of the Indians may be best prevented and the Inhabitants free'd from

the frequent Alarms occasioned by their Marches through our Frontier Plantations and also representing the danger of suffering the Nottoway and Maherine Indians to bring in the said Northern Indians, and the Tuscoruros to Revenge their Quarrel on the Saponies. The Council are thereupon of Opinion That it is necessary for preserving the Peace of the Government that means be used to accomodate the differences which have arisen between the Tributary Indians That in order thereto the great Men of the Nottoway Maherine and Saponie Indians be directed to attend this Board on Tuesday the Eighth of December next and in the mean time that they be strictly required to forbear Hostilitys on one another on any pretence whatsoever, and that the respective Interpreters do with all convenient Speed notify the same to the said Indians.

Ordered—

That Henry Briggs go to the Tuscoruro Indians and acquaint them that this Government having received information of divers Insults made by them on the Saponies and being desirous to accomodate the differences between them by giving all reasonable satisfaction for any Injuries which they can make appear to have been done to them by the Saponies hath therefore thought fitt to appoint Tuesday the eighth of next month for the great Men of the several Nations Tributary to this Government to attend the Governor & Council at Williamsburgh, And that the Governor is desirous the Tuscoruros should also send some of their chief men at the same time assuring them of Protection in their coming and returning, and that some Person shall be appointed to meet them on the fifth of Decemb^r at the Nottoway Town and to Conduct them hither and that the said Henry Briggs do particularly desire that the Great Men of the Tuscoruro's who was lately at Col^o Harrisons may be sent hither on this occasion.

Ordered

That it be an Instruction to the said Henry Briggs that in case he finds any of the Northern [Indians] either at the Nottoway Maherine or Tuscoruro Towns that uses [he use] his Endeavours to persuade some of their chief Men to Attend the Governor at the time above appointed for the meeting of the Tributary Indians.

Ordered—That the Interpreter to the Saponie Indians be directed to accompany the s^d Indians from the Fort to Williamsburgh at such time as they shall be ready to sett out on their Journey to Attend the Governor in Council.

On Reading at this Board a Representation from the Justices of Charles City County complaining of the frequent disturbances given them in the Administration of Justice by M^r Samuel Harwood Jun^r one of their Number It is the Opinion of this Board That if by means of the present difference between the Justices there be no Court held for that County to morrow (being the Court day for this Month) that then a New Commission Issue and that the s^d M^r Harwood be left out, but if a Sufficient number of the Justices do then meet and hold Court, that the Consideration of the above Complaint be referr'd 'till next Council—

The following Warrants on the Receiver General were signed by the Governor in Council

Out of the 2 ^s per hh ^d	
To the Governor half a years Salary ending the 25 th of October.....	£ 1000:—:—
To the Council for the same time.....	£ 175:—:—
To the Auditor General of the Plantations for the same time.....	£ 50:—:—
To the Solicitor of the Virginia Affairs for the same time.....	£ 50:—:—
To the Attorney General for the same time.....	£ 20:—:—
To the Clerk of the Council for the same time...£	50:—:—
To the Gunner of James City for the same time...£	5:—:—
To the Armourer for the same time.....£	6:—:—
To the Ministers on the General Court.....£	5:—:—
To William Robertson for Expresses and other contingent charges.....	£ 32:11:8¾
To Ditto for the Charges of the Court for Tryal of Pyrates.....	£ 143:5:10¾

The Acc^t of his Majestys Revenue of 2^s per hh^d Port Dutys & head money were sworn to by the Receiver General and certified by the Governor as usual.

On the Petition of Nath^l Harrison Esq^r Henry Harrison John Allen & William Edwards Gent Leave is granted them to take up Six Thousand acres of Land in one Tract lying on both side of Roanoke River at or near Occoneechee Island This Board being satisfied of their Ability to Cultivate the same according to Law.

On the Petition of John Baylor Thomas Jones and Robert Beverley in behalf of them and their Associates Leave is granted them to take up Twenty Thousand Acres of Land in one Tract in the upper part of Essex and King & King & Queen Countys between the Land of Motts and Barrow and the Wildernerness Run. This Board being Satisfied of his Ability to Cultivate the same according to Law

On the Petition of John Camm and Samuel Smith Leave is granted them to take up in one Tract Three Thousand acres of Land in the County of King William, This Board being satisfied of their ability to Cultivate the same according to Law

Provided that within one month after receipt of this order they make due entrey with the Survey^r describing the place where they intend to take up the Land hereby granted them.

On the Petition of Richard Davenport Leave is granted them to take up in one Tract four Thousand Acres of Land in the County of King William This Board being Satisfied of his ability to Cultivate the same according to Law

Provided That within one month after receipt of this order he make due entry with the Surveyour describing the place where he intends to take up the Land hereby granted him.

On the Petition of Robert Beverly Leave is granted him to take up in one Tract twelve hundred acres of Land in the upper parts of

Essex County This Board being satisfied of his ability to Cultivate the same according to Law—

Provided that within one month after receipt of this order he make due entry with the Surveyour describing the place where he intends to take up the Land hereby granted him

On the Petition of Lawrence Talliaferro & John Talliaferro Jun^r Leave is granted them to take up in one tract Five Thousand acres of Land in the County of Essex This Board being Satisfied of their ability to Cultivate the same according to Law. Provided that within one month after receipt of this order they make due entry with the Surveyor describing the Land where he intends to take up the Land hereby granted them

On the Petition of Augustine Smith Leave is granted him to take up in one Tract four Thousand Acres of Land in the County of Essex This Board being satisfied of his ability to Cultivate the same according to Law Provided That within one month after receipt of this order he make due entry with the Surveyour describing the place where he intends to take up the Land hereby granted him

On the Petition of John Baylor Leave is granted him to take up Two Thousand acres of Land in one Tract in King and Queen County; and Two Thousand Acres of Land in one Tract in Essex County, This Board being Satisfied of his Ability to Cultivate the same according to Law—Provided that within one month after receipt of this Order he make due entry with the Surveyor describing the place where he intends to take up the Land hereby granted him.

On the Petition of John Allen and Arthur Allen Leave is granted them to take up in one Tract Three Thousand Acres of Land in Isle of White County on the South Side of Fountains Creek and below the mouth of the Bever Dam Swamp This Board being Satisfied of their Ability to Cultivate the same according to Law.

On the Petition of William Dandridge Leave is granted him to take up in one or more Tracts five Thousand acres of Land in the County of Henrico This Board being Satisfied of his Ability to Cultivate the same according to Law Provided that within one month after receipt of this order he make due entry with the Surveyor describing the place where he intends to take up the Land hereby granted him

On the Petition of Robert Blaws Leave is granted to the Surveyor of Henrico County to lay off the Tract of five Thousand acres of Land formerly allowed by order of Council bearing date the first of November 1718 to be taken up by the Petitioner joyntly in his name & in the name of John Thornton to the end a Patent may be granted them for the s^d Tract

Thomas Etheridge having pursuant to the Order of this Board the 30th of May 1719 produced a Certificate of his demanding John Powel and Mariam his Wife the Charges of finding an Escheat on the Land of Thomas Nicholis and that the said Powell refused to Satisfy the same It is thereupon ordered that a Patent be granted the said Etheridge for the Land he found to Escheat according to the former determination of this Board on that matter.

John Grymes Esq^r Deputy Auditor of his Majestys Revenues representing to this Board that the Sheriffs of the several Countys in

the Northern Neck have failed to acco^t for the fines and forfeitures due to his Majesty in their respective Countys It is thereupon ordered that a certain day be sett and notified to the said Sheriffs by the Deputy Auditor for their paying to him or to M^r Thomas Lee (whom he hath appointed to receive the same) all such fines and Forfeitures as have been put into the[ir] hands to Collect; and that if such payment be not made on or before the said Day that then their Bonds be put in Suit

On the further Consideration of the Petition of William Barber Gent exhibited to this Board the 4th of May last It is ordered that there be paid him out of his Majesty Revenue of 2^s per hh^d the Sum of Ten Pounds twelve Shillings and Sixpence in consideration of his Servant William Hobbys Service as a Soldier sent to the assistance of South Carolina no recompence having been made for the same by the Government.

At a Council held at the Capitol the 9th Day of December 1719

Present

The Governor

Edmond Jenings
James Blair
Philip Ludwell
John Smith

John Lewis
William Bassett
William Cocke &
Nath^l Harrison Esq^{rs}

The Minutes of last Council were read as usual

The Governor acquainted the Board that in pursuance of the Resolutions of last Council he had writt to the Governor of North Carolina desiring him to use his Interest and authority to dispose the Great Men of the Tuscoruro Indians to come hither in order to the establishing a Peace between them and our Tributarys and at the same time desired that Charleton their Interpreter might be sent with them, That the Governor of North Carolina had thereupon returned for answer that he would send to Blunt the Chief man of the Tuscoruros and Inform him of the desires of this Govern^t but could not promise for their Complying therewith the said Indians being apprehensive of the Resentment of this Government and unwilling to Trust themselves here, And that neither the Tuscoruros nor the Saponies are come in as was expected but there being now here some of the Senecas, Nottoways and Maherine Indians he thought it proper to discourse them after dispatching some other affairs which he had now to lay before this Board.

The Governor laid before the Council and Caused to be read a Letter from the R^t Hono^{ble} the Lords Comm^{rs} of Trade dated the 26 day of June 1719 with the following Papers inclosed therein Viz The Opinion of S^r William Thompson his Majestys Solicitor General concerning the Governors power in Collating to Ecclesiastical Benefices and also in Proroguing Assemblys under Adjournment

The Opinion of M^r West one of his Majestys Council at time concerning the Governors Power of Proroguing Assemblys under Adjournment.

A Representation from the Board of Trade upon the address of the House of Burgesses and Memorial, in relation to the Courts of Oyer and Terminer and for revoking his Majestys Instruction prohibiting the passing of Laws affecting the Trade and Shipping of Great Britain

A Copy of another Representation from the Board of Trade upon a Petition of M^r Byrds to his Majesty for restraining the Governors power in the nomination of the Judges of the Oyer and Terminer Courts

A Copy of his Majestys order in Council appointing Cole Diggs Esq^r to be of his Majestys Council of this Colony and a Copy of the R^t Honoble the Lords Comm^{rs} of Trade their Recomendation of Col^o Peter Beverley to be one of the Council

On Reading at this Board a Letter from W^m Popple Esq^r Secretary to the Right Honoble the Lords Comm^{rs} for Trade transmitting the Act of Parliament for preventing the Clandestine runing of uncustomed Goods &c wherein is a Clause relating to the Manufacture of Pitch and Tarr and also transmitting certain Rules for the better making of Tarr and for raising of Hemp It is ordered that a Proclamation Issue publishing the aforesaid Clause relating to pitch and Tar and also notifying that whoever has a mind to pursue the methods transmitted by the Board of Trade for raising Hemp or making Tarr may have the perusal of the said Rules & directions at the Naval Officers of the respective districts who are to allow Copys thereof to be taken without Fee or Reward.

The Governor having Communicated to the Council a Letter from the R^t Hon^{ble} the Lords Comm^{rs} of Trade dated the 7th of August last requiring an account of the Boundarys of this Colony particularly so far as the same may border on the Settlements of the French or any other forreign Nation and also a Chart or Mapp thereof. The Governor is thereupon requested to offer a Suitable reward to any one who can give information or Draught of the Boundarys of this Colony to the Westward so far as the same have been hitherto discovered in order to the framing a General Map of this Colony.

The Governor having laid before the Board Certain Queries transmitted from the Right Honoble the Lords Comm^{rs} of Trade and desiring the Councils Opinion on the Third and fourth of the said Queries relating to the Condition of the Spanish Settlement at S^t Augustene and of the French Settlement on the River Mississippi &c The Council declare that having no knowledge of either of those places they can give no particular Answer to those Queries but that if any thing material comes to their knowledge in relation thereto they will communicate the same to the Governor

The Governor laid before the Council the Observations of the R^t Hon^{ble} the Lords Commissioners of Trade of sundry Acts of Assembly passed here and also the Opinion of his Majestys Attorney and Solicitor General concerning the property in Pyrates Goods and the same were read.

The Great Men of the Tributary Indians being called in there appeared with them Six of the Northern Indians whereof one said he

was a great man of the Nation of Ovendago, after divers overtures made by the Governor to induce the Northern Indians to a Peace with the Saponies which they refused, The said Northern Indians agree'd in behalf of their Nations that none of them or their Allyes shall offer to attack any of the Saponies within the English Settlements nor shall approach near[er] the Fort of Christanna than the Great Creek runing into Maherine River about Twenty Miles above the Fort, and the like distance round the said Fort both partys being still at Liberty to attack each other at any place without the Inhabitants or beyond the Distance above mentioned— And it was also agreed that a Belt of Wampin shall be delivered on the part of this Government to the Chief man of the Ouendagos now present to be Carryed to the five Nations in token of Peace with his Majestys Subjects of this Government, and to obtain their Confirmation of what hath been now Stipulated in behalf of the Saponies, and that Colonel Harrison be desired to provide the said Belt

Ordered That a Stroud water Blanket flap be presented to each of the Northern Indians now in Town and that there be given besides to the Chief Man and the Interpreter a Laced Hatt each.

On the Petition of Lawrence Smith Jun^r Gent Leave is granted him to take up in one Tract Two Thousand Acres of Land in the County of Essex bounding on the Land granted by Pataten [Patent] to Proster and now in Possession of Francis Thornton This Board being Satisfyed of his ability to Cultivate the same according to Law

On Reading at this Board the Petition of Nathaniel Harrison Henry Harrison John Allen and William Edwards Gent Setting forth that they have for several Years waited in Expectation of the Settlement of the Settlement of the Boundarys between this Colony and Carolina in order to have taken up a Tract of twelve Thousand Acres of Land lying on Roanoak River which they Conceived would upon a fair determination of that dispute fall within the Limits of this Government; That they the Petitioners are lately informed that the Government of North Carolina Contrary to its Engagements have allowed not only entreys but Surveys to be made even to the very line lately marked out from the mouth of Nottoway River which can never be allowed to be within that Province and have moreover seduced many of the Inhabitants of this colony to do the same That the Pet^{rs} Intentions of Seating that Land is like to be frustrated by this Extraordinary proceeding of the Government of North Carolina and praying that Conformable to a Resolution of this Board that whoever should possess themselves in those bounds before the Determination thereof should be excluded from the benefit of such Possession if it should fall within the Benefit of such Possession if it should fall within this Government, The Petitioners may not be deprived of the Benefit of the said Land but have the preference to take up the aforesaid Tract according to their first intentions whenever the Boundarys are Settled begining about Two miles below the mouth of the first great Creek that runs into Roanoak River below the Western trading path and runing down the said River to Compleat the aforesaid Quantity: It is accordingly ordered that the said Petition be lodged in the Council

Office untill the Determination of the Boundarys between this Government and North Carolina that the Petitioners then have the Priority of entring and taking up the Same they Complying with the Rules and Conditions directed by law

At a Council held at the Capitol the 10th day of December 1719

Present

The Governor

Edmond Jenings
James Blair

Philip Ludwell
John Lewis &
William Cocke Esq^{rs}

The Nottoway and Maherine Indians were brought before the Governor in Council & Interrogated why they did not prosecute their Complaint against the Saponies and bring down the Witnesses they pretended to have for proving the murder Complained of— Answered that the Great Men of the Saponies told him he would not come to Williamsburgh any more about that matter and therefore they thought it unnecessary to Attend and being further asked if they had any Witnesses to prove the Saponies guilty of that Murther they said they had no other but the one of their own Nation whom they mentioned when they were last here then they were asked if they did not since a time was appointed for hearing their complaint joyn with the Senequas and Tuscoruros in an Attack on the Saponies at Christanna where they knew the English at that time Lived, They acknowledged that Eight Nottoways and twelve Maherines (a List of whose named they gave in at the Board) did joyn the Senequas and Tuscoruros and attack the Saponies at the Fort of Christanna in October last.— Whereupon the Indians being ordered to withdraw it was debated in what manner the said Indian Tributarys ought to be punished for the aforesaid Insult on the Saponies committed contrary to the express directions of the Govern^{mt} and on his Majestys Fort; The Council are thereupon of Opinion that as soon as the Season of the year will admit the mustering the Militia in the Countys Adjacent to those Indians Partys of the said Militia be sent to apprehend the said Eight Nottoways and twelve Maherines concerned in the aforesaid Insult and to bring them before the Governor and Council, That upon their being brought in, they be committed to Prison, and afterwards brought to publick Examination that they be then made Sensible their making War upon any of his Majestys Subjects and their firing upon his Majestys Fort is a Crime for which their Lives are forfeited but that in Compassion to their Ignorance, the Government is willing for this time to passover their Offence, but with this declaration that if at any time hereafter any of their Nation are discovered in the like Crime they shall Suffer Death; And it is further resolved that for preventing the said Indian Nations from departing the Govern^{mt} and taking their Armes upon the Seizing of their People the Women and Children of each Nation be secured at their respective Towns under a Guard of the Militia untill the said Indian Prisoners are returned from their

Confinement, And to the end the said Indians may be the better apprehended and Seized it is agreed that the present resolutions be kept Secret until the time of Execution thereof.

Ordered

That the Northern Indians have Leave to Stay at the Nottoway Town or amongst the English Inhabitants untill the tenth of January and that the Interpreter acquaint them that the Government will take care they shall not be any Danger from the Saponies during that time but that thereafter the Government cant after answer for Safety seeing they have refused to come to a peace with those Indians and the Interpreter is further directed to tell the said Northern Indians that the Government expects they promised yesterday in not going nearer Christanna than the Bounds then agreed. That the Belt of Peak cannot be got ready by the tenth of January they shall have a passport Sent them to the Tuscoruro Town for their Calling here on their return home to Receive the said Belt and shall then have Leave if they desire it to pass through the Inhabitants the nearest way and that whenever they have occasion to come into this Government they are desired to send a Messenger before and a Passport shall be sent them for their Safety.

Ordered

That the Interpreter to the Saponie Indians acquaint them with the conditions made for them with the Northern Indians and charge them at their Peril not to Meddle with the Senequas while they are under the protection of this Government at their Nottoway Town nor at any time when they have a Passport for their Travelling through the Indians.

Mann Page Esq^r Present

The Maherine Indians complaining that one John Chessshire hath Seated a Plantation within Two miles of their Town under a Grant from North Carolina and praying to be Redressed therein, the Governor was pleased to Say he would write to the Governor of North Carolina and endeavour to obtain their Redress.

At a Council held at the Capitol the 22^d Feb^{ry} 1719 [1719/20]

Present

The Governor

Edmond Jenings
James Blair
Philip Ludwell

John Smith
W^m Cocke &
Nath^l Harrison Esq^{rs}

The Minutes of the Last Council were Read.

Whereas William Williams, Tobias Butler, William Farrow, Daniel Degat, William Pomeroy, William Lake, Peter Minshal, and Thomas Hall, lately convicted of Pyracy brought into this Colony divers Goods money and other Pyratival Effects great part of which is suspected to be lodged in the hands of several Persons who conceal the same for the better discovering the said Pyratival Effects It is Ordered That a Proclamation be Issued notifying that such Persons as

Voluntarily Conceal the Effects of any Pyrates shall be prosecuted as Accessorys according to the Statute in that Case made and provided.

Whereas the Ignorance of the Laws relating to Piracy has occasioned divers of the ordinary Sort of Seafaring Men to associate themselves with Pyrates tempted thereto by the Prospect of Gain.—For the more Effectual Prevention thereof within this Colony

It is Ordered That an abstract be prepared of so much of the act of Parliamant of the 11th and 12th of King William as describes the several kinds of Piracy and of Accessorys thereto And that Five hundred Copys be printed and dispersed among the Ships within this Colony at the expence of the Government.

Ordered

That two of the Pyrates now Condemned be hung up in chains at Tindalls Point in York River and Two more at Urbanna in Rappahannock River

Whereas Job Newman a Saylor belonging to a Sloop bound to Bermuda was hindred from prosecuting his Voyage in order to be made use of as an Evidence against the Pyrates lately condemned. It is ordered that in Consideration of the Loss he hath thereby Sustained he be paid one Months Wages besides the usual allowance as an Evidence from the time of his being first Stop'd till the end of the Tryal

Ordered

That the two Portugeze Prisoners taken by the Pyrates and made use of as Witnesses against them on their Tryal be Subsisted at the Charge of the Government untill an Opportunity Offerr for their Transportation to the Island of Madera and there be also given them the sum of five Pounds Currant money each, for such other necessary Expences as they may have occasion to be at in their passage to their own Country

Order'd

That the Sum of Five Pounds be given to Aron Levi a Jew taken Prisoner by the Pyrates and robb'd of all his Effects, and that he be paid besides the usual Allowance as a Witness agst y^e s^d Pirates

And because the extraordinary Charges occasioned by the Tryal of the Pyrates lately Convicted will be considerable, It is the Opinion of the Board that the same be satisfyed out of the money and Pyratial Effects discover'd and Seized into the Governors hands, but with this proviso, that if the payment of the said Charges out of these pyratial Effects be disallowed by his Maj^{ty} the same shall be Answered and paid unto the Governor out of his Majestys Revenue of 2^s per hh^d, but that the Ordinary Charge of y^e Court, and the Attendance of the Witnesses be now paid out of his Maj^{ty}'s Revenue as hath been usual heretofore—

At a Council Held at the Capitol the 22^d of April 1720

Present

The Governour

Edmond Jenings

Philip Ludwell

Robert Carter

John Lewis &

James Blair

Mann Page Esq^{rs}

For preventing any delays in the dispatch of Business in the General Court, the reading of the Council Minutes is further referred 'till a more proper Opportunity.

The Governor acquainted the Council that pursuant to the Resolutions of the Board the 10th of December last, he Issued Orders for apprehending the Maherine Indians, and expected y^e Prisoners in Town to Night; Wherefore he thought it necessary to let the Council know that, if the Prisoners did arrive according to Expectation, he intended their Examinations to Morrow

The Governor informing the Board that he had hitherto Reprimed two of the Pyrates lately Condemn'd, whose names are Peter Minshal and W^m Lake; that these two appearing on their Tryal to behave themselves with greater modesty and since their Condemnation with greater signs of Repentance than any of the rest, he was inclinable to Extend his Maj^{ty's} Mercy to them if this Board are not apprehensive that the pardoning them may be a prejudice to the publick Welfare, and therefore he asked y^e Advice of the Council therein

This Board taking the same into Consideration, are of Opinion that it will be of no prejudice to the publick Welfare if after the Justice which hath been done on six of the same Gang of Pyrates, Mercy be extended to the other two, and therefore the Council do advise the the Governor to grant them a pardon.

A Testimonial being sent in hither under the hand of the Majistrates of Plympton in the County of Devonshire that due proof hath been made before them concerning Thomas Lewis, and Edward Thomas, two Seamen belonging to the said Town being taken in a Flemish Ship called the Marquess Del Campo on the Coast of Guinea and forced away by the Pyrates and requested that if the said Seamen should happen to come into this Colony they may not be looked on as Pyrates. It is Ordered That the said Testimonial be entered in the Register of the Court of Admiralty for tryal of Pyrates to the end due regard may be had to the Circumstances of the persons therein described if any of them should be brought before the said Court

The Governor acquainted the Board that he had received several papers transmitted from South Carolina relating to the Peoples turning out the Governor appointed by the Lords Proprietors, and Substituting one of their own choosing; w^{ch} papers the Governor was Pleased to deliver to the Council for their Perusal

At a Council Held at the Capitol y^e 26th of April 1720

Present

The Governour

Edmond Jenings
James Blair
Philip Ludwell

W^m Byrd
Mann Page &
Nath^l Harrison Esq^{rs}

The reading the Council Minutes referred, the Governor declaring he was just going out of Town on his Majesty's Service and had only called in to obey an Order of his Maj^{ty} for swearing Col^o Byrd of the Council.

Col^o W^m Byrd having Yesterday delivered an Order of his Maj^{ty} in Council continuing him in the Council of this Colony, or in case of his being suspended or dismiss, Ordering his being restored to his Rank therein; w^{ch} Order was this day read at the Board, and the s^d Will^m Byrd (not having been Suspended or dismiss by the Governor during his Absence) had the Oaths Adminstred to him, and took his place at the Board

At a Council Held at Y^e Capitol the 29th of April 1720

Present

The Governour

Edmond Jenings
Robert Carter
James Blair
Philip Ludwell

John Lewis
Will^m Byrd
Will^m Cocke
Nath^l Harrison &
Mann Page Esq^{rs}

Whereas divers Disputes and Controversys have heretofore arisen between his Maj^{ty}'s L^t Governor, and some of the Council, occasioned by a difference in opinion in matters relating to the Administration of the Government. Both Parties heartily inclining to put a period as we'l to all past Contentions as to prevent any future discords w^{ch} may happen of the like nature, have this day mutually agreed that all past Controversys of what kind soever between the Governor and any of the Council be forever buried in Oblivion, and that there may be hereafter no other contention than who shall most promote the Kings Service and the publick benefit of the Colony. It is Mutually agreed that where any difference of opinion shall happen between the Governor and the Major part of the Council, a fair and impartial State of the Case shall be prepared by both sides, and transmitted to the R^t Hon^{ble} the Lords Com^{rs} for Trade for their determination; and if it be a point of Law, that their Lordships be requested to take the Opinion of the Attorney & Solicitor Gen^l therein, and no separte Solicitations shall be made for either party, nor any thing represented on either side, but what shall be thus Stated and Signed here

And Whereas a dispute hath arisen whither the right of Supplying Ecclesiastical Benefices be in the King by Callation, or in the Vestry

by Presentation. The Governor and Council judging this to be a matter of Law which ought to receive it's determination in a Judicial way, & being desirous that y^e same may be decided in y^e most fair and amicable manner, have agreed that y^e matter of Right be tryed before the General Court with an Appeal to his Maj^{ty} in Council, but because it wou'd be unequal that any one particular Parish should be burthen'd with the Charge of a Prosecution which is of General Concernment to the whole Country. It is thought fitt that all proceedings therein rest till y^e next General Assembly, that they may take measures for defraying the Charge of bringing the same to a Legal determination

And it is further agreed that Letters be Written by the Governor and Council to the Board of Trade to Notify to their Lordps the Reconciliation, and to Request that no notice be taken of any Representation heretofore made by either Party to the prejudice of the other

At a Council Held at the Capitol May y^e 5th 1720.

Present

The Governour

Edmond Jenings
Robert Carter
James Blair
Philip Ludwell
John Lewis

W^m Byrd
W^m Bassett
W^m Cocke
Nath^l Harrison &
Mann Page Esq^{rs}

Upon Consideration of the several Acco^{ts} of Charges Exhibited for Apprehending the Pyrates lately Tryed here, It is the Opinion of this Board that those who receive Certificates to Entitle them to his Maj^{ty}'s Bounty for Apprehending of Pyrates, ought to defray all Charges 'till their Commitment to Prison

On the petition of Will^m Cocke Esq^r C C Thacker, Fran^s Thornton Jun^r and W^m Strothers leave is granted them to resurvey a Tract of Six thousand Acres lying in the County of Essex, and granted by patent dated y^e 20 of 10th 1718 and to take out a new Patent for y^e same according to the true Courses Run and marked upon the first Survey of the said Tract

On the Petⁿ of W^m Cocke Esq^r and C C Thacker, leave is granted them to take up & Patent 4 Thousand Acres lying in or near Massaponick Swamp in Essex County, This Board being satisfied of their Ability to Cultivate the same according to Law
Ordered

That publick notice be given in the Countys of Surry and Prince George, That all persons who are minded to take up Land on Maherine River, are at liberty to enter for the same according to the Laws and Orders of this Government.— Excepting the Lands appropriated for y^e Saponie Indians; and so as they do not make any Surveys within the bounds in Controversy between this Governm^t and N^o Carolina

On the Petition of John Robinson Gent, leave is granted him to take up three thous^d Acres of Land in one Tract lying on the S^o Side

of the middle River in King William County and joyning upon a Tract lately taken up by the Pet^r This Board being satisfied of his Ability to Cultivate y^e same according to Law

On the Petⁿ of Nath^l Harrison Esq^r Hen: Harrison, John Allen and W^m Edwards Gent^s Leave is granted them to take up three thousand Acres of Land on the Northside of Roanoak River, begining at a great Rock called the Totero Kings House, and runing down the s^d River across a deep Creek to or near a Creek called Canoe Creek to include the said Quantity

On the Petⁿ of Drury Bolling, Leave is granted him to take up in one Tract one thousand Acres of Land in Prince George County, begining on the inward side of Deep Creek on the S^o Side of Appamatow River between the upper Fork and the Bever Dams This Board being satisfied of his Ability to Cultivate the same according to Law

On the Petⁿ of Jn^o Latham Leave is granted him to take up in one Tract Twelve hundred acres of Land in Essex County upon the head Line of a Tract lately taken up by M^r Robert Beverley and others, called Spotsylvania. This Board being satisfied of his Ability to Cultivate y^e same according to Law

On the Petition of W^m Brown and John Symmons, Leave is granted them to take up Two thousand Acres of Land in Prince George County, beginning at a Marked white Oake at the mouth of a large flat Runn on the North side of the Western branch of the great Creek on Maherine River, and runing up and down y^e said Creek to include that quantity

On the Petⁿ of W^m Brown and Jn^o Symons, Leave is granted them to take up in one Tract, two thousand Acres of Land in Prince George County, begining at the Mouth of a small Run on a large Creek above Christanna Fort on the North side of Maherine River, and so on both sides the Creek from the mouth of the said Run to Include the afores^d Quantity.

On the Petⁿ of Drury Stith Leave is granted him to take up in one Tract on Soponey Creek in Prince George County, This Board being satisfied wth his Ability to Cultivate the same according to Law

On the Petⁿ of Leonard Helms Leave is granted him to take up four thous^d Acres of Land in Essex County adjoyning to the Tract called Spotsylvania, This Board being satisfied with his Ability to Cultivate y^e same according to Law

On the Petⁿ of John Raglin It is Ordered that the Surveyor of New Kent County lay off for the petitioner Eight hundred Acres of Land formerly Entered for by him with Valentine Mingo late Surveyor of the said County, reserving to James Taylor Gentⁿ y^e liberty of being heard before this Board upon his pretentions to the said Tract, before any Patent be granted to the Petitioner

On the Petition of Henry Holdercraft Executor of the last Will and Testament of Randolph Platt deceased setting forth that the said Randolph in his life time did enter for and Survey six hundred & forty Acres of Land in the County of Surry but died before any Patent was obtained for the same, and by his last Will and Testament did devise the said Lands to one Nathaniel Corbett, and praying that a patent

may Issue in the name of the s^d Corbett. It is accordingly Ordered, That a patent be granted to the said Corbett for y^e said Tract according to the prayer of the aforesaid Pet^r.

Henry Irwin Gent: by his petⁿ to this Board Setting forth that on the Tryal of the Pyrates brought from N^o Carolina he lent two Horses for the more speedy dispatch of the Witnesses to attend y^e said Tryal; w^{ch} horses were so much abused that in few days thereafter they both dyed, and praying such Allowance for that loss as this Board shal think reasonable; It is the opinion of the Council that upon the Pet^{rs} making due proof of the value of the said Horses the same ought to be paid out of the Effects of the said Pyrates; but if his Maj^{ty} shall not think fitt to allow of that Charge, that then the same be repaid to the Governor (in whose hands the said Pyrates Effects are now Lodged) out of his Maj^{ty}'s Revenue of 2^s per hh^d &c

Whereas the several persons recommended by the Court of Henrico County for y^e Office of Sherif of that County, have by a Writing under their hands prayed to be Excused from that Office, and have recommended John Soane Gentⁿ as a person fitt and willing to execute that Office:

It is Order'd That a Commission be prepared for the said Soane constituting him Sherif of the County of Henrico for y^e ensuing Year.

At a Council held at the Capitol
the 20th Day of July 1720

Present

The Governour

Edmond Jenings
James Blair
Philip Ludwell

Will^m Byrd
Will^m Cocke &
Nath^l Harrison Esq^{rs}

On reading at this Board an Address or Memorial of some of the Vestry Men and Inhabitants of the parish of Westopher, together with a Charge against James Robertson Clerk, their Minister: Wherein amongst other things the said Robertson is accused of uttering false & Scandalous Speeches against his Maj^{ty} King George, and the Succession of the Crown. It is the Opinion of this Board that, that part of the said charge be referred to M^r Attorney General; who is hereby directed upon Enquiry into the Evidence & Circumstances of the fact to prosecute the said Robertson either upon the Statute of the 6th of Queen Anne Chap: 7, or for a Misdemeanor, as the Case shall appear to him; And it is Ordered that the Clerk of the Council give notice to the Subscribers of the aforesaid Charge that they may informe the Attorney Gen^l: what proofs they have, that he may be enabled to frame the prosecution accordingly.

On Reading at this Board a Representation from the Justices of Stafford County, Setting forth that the Court House of the said County being become ruinous, and it's Situation very inconvenient for the greatest part of the Inhabitants, they had agreed to build a new one at the head of Oquca Creek, and in the mean time to hold a Court in

a House already built there, and praying the Governors Approbation thereof: The Governour approving of the said Removal, It is Ordered that a Warr^t be prepared directing the Sherif to attend the Justices at the place mention'd in the said Representation for holding the Court of the said County

The Governour wth the advice of the Council was this day pleased to Direct Writts to Issue for calling a Gen^l Assembly to meet at the Capitol the 2^d of Nov^r next

M^r Augustine Smith being nominated Sherif of Gloscester County, and refusing to take upon him the Execution of that Office; The Governour appointed M^r James Row to be Sherif of the said County in his stead.

A Petⁿ of Will^m Dandridge, Tho: Sharp, John Syme & John Kembrow for leave to take up 6000 Acres of Land upon the South side of the River Northanna at a place called Slale hill in New Kent County

And also a Petⁿ of Ambrose Joshua Smith, Benj^a Arnold Rowland Tho^s Edm^d Taylor and James Taylor for leave to take up 5000 Acres on Elk Creek in New Kent County were severally read and leave accordingly granted the Pet^{rs}, This Board being Satisfied of their Ability to Cultivate the said Lands according to Law

At a Council Held at the Capitol
the 15th day of Sept^r 1720

Present

The Governour
Edmond Jenings
James Blair &
W^m Cocke Esq^{rs}

Cole Diggs Esq^r presenting his Maj^{ty}'s Letter under his Signet and Sign Manual bearing date the 14th day of May 1720, Signifying his Maj^{ty}'s Royal pleasure for swearing and admitting the said Cole Digges one of the Council of this Colony: The said Letter was read and accordingly the said Cole Digges took the Oaths appointed by Act of Parliament to be taken instead of the Oaths of Allegiance and Supremacy, the Adjuration Oath, Subscribed the Test and took the Oath of a Councillor, and was admitted to his place at the Board.

Cole Digges Esq^r pr^t

The Governor acquainting the Board that Cole Digges Esq^r having been chosen to serve in the ensuing Gen^l Assembly as a Burgess for the County of Warwick, and now by his Majesty's Command called to be one of the Council is thereby incapacitated to Set in the House of Burgesses, & desiring their opinion whether a new Writt ought not to Issue for the Election of a Burgess to serve for the said County of Warwick in M^r Digge's stead: The Council upon examining precedents in the time of former Governors finding that it has been usual upon the like occasions to Issue new Writts without waiting for the Meeting and Application of the House of Burg^{ss} are therefore of opinion y^t it is regular and precedential in the present Case that

a Writt Issue for a new Election for Warwick County upon the Return of the former Writt, there being sufficient time for publication of such new Writt, and proceeding to an Election according to the directions of the Law.

On reading at this Board a petition of Thomas Crooke Merch^t for Stopping a Patent sued out by Harry Beverley for Land in King William County, being part of a Tract of 5000 Acres formerly entered by the said Crook and called Hambledon heath. It is Ordered that y^e pretensions of the partys be heard before this Board on y^e 3^d day of the next Gen^l Court; of w^{ch} the Petitioner is to give the said Harry Beverley Notice, & in the mean time, that the said Beverley's patent be stop'd—

At a Council Held at the Capitol
y^e 7th day of Oct^r 1720

Present

The Governor

Edmund Jenings
James Blair
Philip Ludwell

William Bassett
William Byrd &
Cole Digges Esq^{rs}

The Minut's of the last Council were Read.—

The Governor communicated to the Council the Advices he had lately received of taking of divers Ships and Vessells near the Capes of this Colony by a Brigantine Mann'd wth Spaniards and others of diverse Nations pretending to Act by a Commission from the Governor of S^t Augustine. And also inform'd the Board, that the Lieut^t of his Maj^{ty}'s Ship the Rye, and some Masters of Merch^t Ships lying in James River had gone out in two Sloops with an intention to rescue the Prizes, and had retaken the Ship Planter of Liverpool and therein ten of the Crew of the aforesaid Spanish Brigantine, of w^{ch} Eight are said to be Spaniards, one a French man and the other an Irish man; That with these prisoners was found a Copy of a Commission from the said Spanish Governor of S^t Augustine, dated long since the Cessation of Arms between his Maj^{ty} and that Crown, was to take place in these parts of the World: That it appeared by the Granting such Commissions that the Spaniards pay no regard to the said Cessation; That he the Governor had discoursed Cap^t Whorwood of his Maj^{ty}'s Ship Rye, and found that the said Ship was now in Elizabeth River in order to be Cleaned, and that before She could be ready to put to Sea, it was probable the Privateer, having already taken as many Prizes as his Crew could mann, would be gone off of the Coast; That Cap^t Jn^o Martin who hath had a Sloop taken at the Capes by the same Spanish Privateer on the 28th of last month, had proposed to fitt out another Sloop of his own, either to go to S^t Augustine with a Flagg of Truce to demand Restitution of the Vessells taken contrary to the Cessation of Arms; or to endeavour to retake the said Vessells, provided the Governor would furnish a number of men with Arms, Ammunition & provisions for that Service. And the Governor asked the opinion

and advice of the Council what measures they thought proper to be taken for preventing the like Hostilities, and for recovering the Vessells that have been thus unwarrantably taken.

Whereupon the Council are unanimously of opinion, that the sending a Flagg of Truce to St Augustine with a Copy of his Maj^{tys} Proclamation for the Cessation of Arms may be a means of obtaining restitution of the Ships & Vessels lately taken by the Spanish privateers on this Coast, and of preventing the like Hostilities for the future; but because it is necessary that such Vessel as shall be sent on this Service, be sufficiently Manned, as well for her protection ag^t Pirates, as the Spanish Privateers in case they will not observe the Cessation; It was Resolved to know of Cap^t Whorwood what Assistance he could give to this Service from his Maj^{tys} Ship under his Command; And accordingly Cap^t Whorwood Was called in, and ask'd in what condition the Ship under his Command was now in for the protection of the Trade; To which he answered that the said Ship was now in Elizabeth River ready to heave down in order to be cleaned, & could not be in readiness to put to Sea in less than a fortnight or 3 Weeks; And being further asked if he could furnish any men to go in a Sloop to St Augustine for reclaiming the Ships lately taken on this Coast; Answered, that he should be ready to furnish 50 or 60 men, if required for such Service as the Government should think fitt, After w^{ch} the Board having heard and Considered the proposals made by Cap^t Jn^o Martin, came to the following Resolutions Viz^t

That a Commission be granted to the said Cap^t John Martin to Command the Sloop Ranger to go wth a Flagg of Truce to St Augustine: That the said Cap^t Martin be by the said Commⁿ impowered As well to Act Offensively against all Pyrates, as defensively against all other Enemyes that shall attack him during his said Voyage. That he be impowered to Represent to the Governor of St Augustine the repeated Infractions of the Cessation of arms which have been committed on the part of the Spaniards, and to demand Restitution of such Ships, Vessells and Effects of his Maj^{tys} Subjects as have been taken during the said Cessation and Carryed into that Port.

That a letter be Writt for that purpose to the said Governor of St Augustine, and that a Copy of his Maj^{tys} Proclamation notifying the Suspension of Arms be sent with the said Letter

That for the better enabling the said Cap^t Martin to perform this Service, there be furnished to him out of his Maj^{tys} Stores of War such Arms & Ammunition as shall be necessary.

That the said Cap^t Martin be paid by the Government for all provisions expended in this Voyage, and also for the hyre of his Sloop with the Master and two Men according to the usual Rates in such Cases, And that the said payment be made to him upon his return.

And Whereas the Sloop Ranger as She is now fitted is valued at £200 Curr^t money, This Board do engage for the payment of the said Sum unto the said Cap^t John Martin on his Order in case the Sloop be lost in this Service.

That the said Cap^t Martin be instructed in case the Gov^r of St Augustine shall refuse to restore the Ships and effects carried into

his Port, to insist that the same may not be disposed of to the Captors or any others, untill the said Governor receives Orders from the Court of Spain. But if any of the Cargos of the said Ships consist of such Commodities as may be lyable to perish by lying so long, That then the said Cap^t Martin use his endeavours for obtaining leave to dispose thereof for the benefite of the Owners; And that the money remain Sequestered in the said Gov^rs hands, untill the property and Rights thereof be determined.

That the said Cap^t Martin be directed to fitt out the aforesaid Sloop with all convenient speed and as soon As he has rec^d the Stores of War and provisions and the Complement of 60 Men, which Cap^t Whorwood hath engaged to furnish out of his Maj^ty's Ship the Rye under his Command, that then he make y^e best of his way to S^t Augustine.

And it is further Resolved & Ordered that, for the Encouragement of such Seamen and ablebodied Land men as shall Voluntarily enter on board his Maj^ty's Ship the Rye for compleating her Compl^{mt} in case any pirate or privateer should infest this Coast during the Absence of the Seamen put on board the Sloop Ranger, there be paid each man so entering as an Encouragement, the sum of ten Shillings Curr^t money over and above their pay according to the Establishment of the Navy for so long time as they shal continue on board; to be paid out of his Maj^ty's Revenue of this Colony. And if upon such an Emergency a sufficient number of Volunteers cant be had, the Justices of the Peace for the Countys of Elizabeth City and Norfolk or any one of them are hereby Impowered and Required to Issue their Warrants for Impressing such Stragling Sailors and other persons not having any visible Employ^{mt} or settled Residence, as shal be found in their respective Countys for manning his Maj^ty's said Ship.

A Letter from the hon^{ble} Will^m Keith Esq^r Governor of Pensilvania relating to Indian affairs was read at the Board, and referred for further consideration.

The Governor having acquainted the Council that some of the Maryland Indians coming lately into Richmond County in this Colony, and offering sundry insults to the Inhabitants had been siezed there and carried before Will^m Thornton one of the Justices of that County who had negligently suffered them to escape, leaving behind them their Arms, Cloaths and other things; and that being apprehensive that these Indians might be stirred up to revenge themselves on some of the Inhabitants of this Country for the loss they had sustained on that occasion, he had Writt to the President of Maryland to send some of the said Indians hither to receive some of their Gunns and Cloaths, and to make an acknowledgement for their behaviour towards our Inhabitants, and had rec^d an answer from the present Governor of Maryland that care should be taken to make up that difference and to send the Indians hither to receive their Arms and Goods. And the Governors proceedings herein were approved by the Council.

Col^o W^m Waters desiring to resign the place of Naval Officer of the Eastern Shore District and having moved the Governor that his Son W^m Waters Jun^r may be appointed in his stead, against which

the Council having noe exception, The Governor was pleased to nominate the s^d Will^m Waters Jun^r to be Naval Officer of the afore-said District.

At a Council Held at the Capitol
Octo^r y^e 15th 1720

Present

The Governour

Edmond Jenings
James Blair
Philip Ludwell

W^m Byrd
W^m Cocke &
Cole Digges Esq^{rs}

The Draught of a Commission and Instructions to Cap^t John Martin for going with a Flagg of Truce to S^t Augustine being prepared pursuant to the Resolutions of the last Council was read and approved

On reading at this Board a Letter from the Hon^{ble} W^m Keith Esq^r Governor of Pennsylvania with the Transcript of certain proposals made by the Connestogo and other Indians in that Province for establishing a peace wth the Indians Tributary to Virginia: It is Ordered that the Interpreter forthwith repair to the said Tributarys and require them to send four of the Great Men of each Nation to Williamsburgh on the 10th day of November next, in order to the concerting such Measures as may most effectually establish a peace with the said Indians under the Governm^t of Pennsylvania. And that the Interpreter to the Saponie Indians do particularly require them to attend at that time, in order to inform the Governm^t of the Reasons for their refusing to appear the last time they were sent for, & for their not coming as usual to pay their Tribute last April.

At a Council held at the Capitol
Oct^r 29th 1720

Present

The Gov^r

Edmond Jenings
James Blair
John Lewis

Nath Harrison
&
Cole Digges Esq^{rs}

The Governor laid before the Board a Letter w^{ch} he just now received from the R^t Hon^{ble} the Lords Comm^{rs} for Trade and Plantations directed to himself and the Council and the same was opened and read; wherein their L^{ops} are pleased to acknowledge the receipt of the Respective Letters of the Gov^r & Council of the 5th of May last, and to express their Satisfaction wth the late happy Reconciliation, and the said Letter was Ordered to be Entered in the Council Books.—

At a Council Held at the Capitol
the 31st of Octo^r 1720

Present

The Governour

Edmond Jenings
James Blair

Philip Ludwell
J: Lewis &
Cole Digg's Esq^{rs}

Peter Beverley Esq^r presenting a Warr^t from their Excellencys the Lords Justices directing his being Sworne, and admitted one of his Maj^{ty}'s Council of this Colony, accordingly took the Oaths appointed by Act of parliament to be taken instead of the Oaths of Allegiance and Supremacy the Abjuration Oath, the Test, and the Oath of a Councillor and then took his place at the Board

At a Council Held at the Capitol
November y^e 11th 1720

Present

The Governour

Edmond Jenings
James Blair
Philip Ludwell
Will^m Byrd

W^m Bassett
Nath^l Harrison
Mann Page
Cole Digges &
Peter Beverley Esq^{rs}

A Letter from the Justices of Henrico County being read at the Board praying that Col^o W^m Randolph may be appointed first Comm^r of the Peace for that County. It is Ordered that a new Commission of the Peace for the said County do forthwith Issue, and that the said W^m Randolph be accordingly nominated first in the said Commission: but forasmuch as there are already two of his Brothers Justices in the said County, It is the Opinion of the Board that a Letter be Writt to the said Court directing that care be taken the said three Brothers do not Set together on the Tryal of any Cause that shall come before that Court

Ordered

That a new Commission of the Peace Issue for the County of Westmoreland with the addition of the persons recommended by that Court

At a Council Held at the Capitol
Nov^r y^e 12th 1720

Present

The Governor

And Council as before

Pursuant to the Orders of this Board the Chiefmen deputed by the severall Indⁿ Nations Tributarys to this Government Viz^t the Nottoways, Maherine, Nansemond, Saponies, Totteros, Stukannoos, Oeco-

neeche's, attended the Governor and Council, and were told that the Governour of Pensylv^a having in behalf of the Connestogo, Ganowass and Showanoe Indians living under that Government sent hither to desire a peace with the said Tributary Indians and for that purpose sent two Belts of Wampum in token of their Friendship. The Governor demanded of the said Indian Deputys if they were willing in behalf of their several Nations to agree to a Peace wth the said Indians under the Government of Pensylvania; Whereupon the said Deputys in behalf of their respective Nations Declared that they were very desirous on their part to live in Peace wth the said Pensylvania Indians and accordingly did agree that from henceforth there shall be a firm Peace between them and the said Indians of the Conestago Ganowass and Showanoe Nations, And that for preventing all occasions of future Discord; they will not at any time hereafter (unless specially Commanded or Licenced by the Governor of this Dominion) Cross the great Mountains nor pass to the Northward of Potomack River And it is further agreed that at a Confirmation of this Peace, One belt of Wampum shall be made by the Nottoway, Maherine and Nansemond Indians and one other by the Saponie, Tottero Stukanox Occonechee Indians and delivered to the Governor as soon as conveniently may be in order to be sent to the Gov^r of Pensylvania in return of those sent hither on the behalf of the Indians in that Government: And that he be then desired to engage those Indians to observe the same Regulation in their Hunting on the Northside of Potomack River, and on the West side of the great Mountain.

At a Council Held at the Capitol
Nov^r y^e 30th 1720

Present

The Governor

Edmond Jenings
Robert Carter
James Blair
Philip Ludwell

Will^m Byrd
Nath^l Harrison
Mann Page
Cole Digges &

Peter Beverley Esq^{rs}

Whereas a compleat Collection of all the Transactions of this Governm^t wth the Tributary or Foreign Indians is very useful and necessary It is Ordered that the Clerk of the Council do as soon as conveniently may be make a Collection from the several Records of the Government of all Negotions with the Indians from the first Settlement of this Colony, And that those matters w^{ch} relate to the Northern Indians be Entered in a particular Book distinct from those of the other Indian Nations.

At a Council Held at the Capitol
Dec^r the 2^d 1720

Present

As before

The Governour

The Governor informing the Board that Application had been made to him for a considerable Quantity of powder out of his Maj^{t^y's} Magazine upon condition to return fresh powder in the room thereof by the first conveniency from London, and desiring the opinion of the Council therein: It is the opinion of this Board that it is for his Maj^{t^y's} Service that the powder in the said Magazine be changed as often as occasion shal offer; And that reserving forty Barr^{lls} in the Magazine for any emergent occasion of the Government, the remainder may be spared, the persons desiring the same giving security to deliver the like Quantity of new Powder without charge at the Magazine in Williamsburg.

At a Council Held at the Capitol
Dec^r y^e 8th 1720

Present

The Governor

Edmond Jenings
Robert Carter
James Blair
Philip Ludwell

W^m Byrd
N. Harrison
Cole Digges &
Peter Beverley Esq^{rs}

The following Warrants on the Rec^r Gen^l to be paid out of his Maj^{t^y's} Revenue of 2^s per hh^d &c were this day Signed by the Governor in Council Viz^t

To the Governor half a Years Sallary ending y^e 25th of Octo^r last One thousand Pounds

To the Gentlemen of the Council for the same time One hundred Seventy five pounds

To the Auditor Gen^l of the Plantations for the same time.....£ 50

To the Solicitor of the Virginia Affairs for the same time.....£ 50

To the Attorney Gen^l for the same time.....£ 20

To the Clerk of the Council for the same time.....£ 50

To the Judg's & Officers of the Court of Oyer & Terminer held in June last.....£ 100

To the Gunner at James City.....£ 5

To the Armourer at Williamsburg.....£ 6

To the Clerk of the Council for so much advanced by him for Conting Charges.....£39:3:7½

To the Ministers attending the Gen^l Court.....£ 5

The Account of his Maj^{ty}'s Revenue of 2^s per hh^d being examined by the Auditor were this day sworne to by the Rec^r Gen^l and certified by the Governor in the usual forme

On reading at this Board the Petition of James Roscow Esq^r his Maj^{ty}'s Rec^r Gen^l Setting forth that by Warr^t under his Maj^{ty}'s Sign Manual bearing date the 19th of July 1720 he is directed to remitt by good Bills of Exchange into the Receipt of his Maj^{ty}'s Exchequer clear of all Charges the Sum of £6791:7:7½ being the Ballance of the Quitt Rents in his hands, inclusive of the last Years Receipts; That pursuant to the Orders of this Government he hath received upwards of £3000 of that Ball^a in Spanish money at 17½ penny w^t for 5^s. That since the making the said Orders of Governm^t the difference of Exchange is so greatly encreased, that he cannot now obtain Bills of Exchange under 15 per C^t w^{ch} is 5½ per Cent above the rate at which He received the said money, and praying he may be allow'd to retain in his hands so much as W^{ll} make y^e said Cash equal to Sterling. It is the opinion of this Board that the differency between the Currency of this Country & Bills of Exch^a being considerably encreased since the Receipt of the money paid for the Q^{tt} Rents, It is reasonable that the Pet^r be allowed in his Accompts so much as the said difference amounts to being 5½ per C^t on all the Cash he has in his hands and is now obliged to remitt

At a Council Held at the Capitol
Decem^r y^e 14 1720

Present

The Governor

Edmond Jenings
Robert Carter
James Blair
Will^m Byrd
Will^m Bassett

Nath^l Harrison
Philip Ludwell
Mann Page
&
Peter Beverley Esq^r

The Governor having communicated to the Council a Letter from the Gov^r of S^t Augustine together with a Narrative of Cap^t Jn^o Martin Negotiations at that place for reclaiming y^e Ships and Vessells of his Maj^{ty}'s Subjects taken by the Spanish Privateers, It is Ordered that the said Letter be Registered in the Council Office; And that Cap^t Martin be recommended to the House of Burg^{ss} for his trouble and Losses sustained in that Service.

At a Council Held at the Capitol
Dec^r 15th 1720

Present

As Yesterday

On reading at this Board a Letter from Col^o Thomas Addison of the Province of Maryland, relating to the Guns and other Goods taken

from the Maryland Indians in Richmond County: It is Order'd that the said Guns and Goods w^{ch} are now in the hands of W^m Thornton of Richmond County be conveyed to Col^o Geo: Mason, and by him deliv^d to the said Thomas Addison for the use of the said Indians; And that such of the said Arms and Goods as have been embezzelled or lost by negligence, be paid for or otherwise supplied out of his Maj^t's Revenue.

At a Council Held at the Capitol
The 21st day of Dec^r 1720

Present

The Governor

Edmond Jenings
Robert Carter
James Blair
Philip Ludwell

Will^m Byrd
Will^m Bassett
Nath^l Harrison
Mann Page &

Peter Beverley Esq^{rs}

Sundry Accompts of Charges for taking up and Conveying to Goal the Pyrates w^{ch} came into this Colony in the West River Merch^t were presented to the Board and regulated & Ordered to be paid out of his Maj^t's Revenue of 2^s per hh^d &c

On reading at this Board a petition of Benj^a Harrison Son & heir of Benj^a Harrison late of the County of Charles City Esq^r by Eliz^a Harrison his Mother Setting forth that the Pet^{rs} Father did in the Year 1706 obtain a Patent for 4583 Acres of Land lying on Nottoway River in y^e County of Surry, and did Seat the same according to Law: That the petitioner's said Father sometime thereafter did at very great Expence Erect a Dam or a Run on a branch of the said River adjoyning to the aforesaid Tract with intent to build a Grist mill thereon but by reason the Surveyor of that County was then restrained from taking Entrys for Land, the Pet^{rs} said Father could not obtain a Grant thereof, and departed this Life before that Restriction was taken off, leaving the Pet^r an Infant of very tender Years. That the place where the said Mill-Dam stands is above 50 miles from the Residence of the Pet^{rs} Mother; for which reason she could not without great difficulty take up and Cultivate Land at so great a distance, nor without great inconvenience Erect a Mill thereon: And that one John Mitchell out of a design as the Pet^r believes to reap the benefite of his said Fathers labour, has lately Entered with the Surveyor of the said County for a parcel of Land w^{ch} the Petitioner is inform'd includes the said Dam; And therefore praying that in Consideration of the premises the Surveyor may be directed to leave the said Dam out of the bounds of the said Mitchells Survey if it should fall within the same; And that leave be granted to the Pet^r to take up the Land where the s^d Dam stands with 8000 Acres adjoyning, he being very near of Age, and capable of complying with the conditions of his said Father.—The Governor wth the Advice of the Council upon consideration of the said Petⁿ is pleased to Order as is hereby Ordered that the Surveyor of the County of Surry do lay out for the Pet^r Eight

hund^d Acres of Land adjoyning to and including the said Dam If the same doth not interfere with the Entry of any other Person who on his pretensions to the said Dam: In w^{ch} Case the said Surveyor is hereby Prohibited to Survey any such Entry untill the Pretensions of the Persons claiming the same & of the Pet^r be heard before the Governor and Council on the third day of the next Gen^l Court of w^{ch} the said Surveyor is to give notice to the Persons interested.

Dec^r y^e 23^d 1720

Present

As Yesterday

On Consideration of y^e Accompt exhibited by Cap^t Jn^o Martin of his Expences on y^e Voyage to St Augustine & y^e loss of's Sloop Ranger cast away in y^t Service, It's y^e Opinion of this Board y^t y^e value of y^e Sloop being £200 Curr^t money, y^e wages of y^e Mast^r & 2 Men & so much provisions as shall appear to have been necessary for the Voyage be p^d out of's Maj^{ty}'s Revenue of 2^s per hh^d and y^t y^e other Articles of's Acc^t be ref^d to be consid^d wⁿ y^e distribution shal be made of y^e Ass^{bl}y's bounty money to y^e Seamen who serv'd on y^e Expedition.

Several Petitions for taking up Land being presented & read in Council; And this B^d being satisfied of the Ability of the Pet^{rs} to Cultivate their respective Tracts according to Law: It is Ordered that the said Petitions be granted as follows Viz^t—Philip Ludwell & W^m Byrd Esq^{rs} Absent

To Rich^d Hickman in behalf of himself and others his Partners—Twenty thousand Acres, joyning on the Germanna & Iron Mine Tracts—in Spottsylvania County—

To Rob^t Carter Esq^r—fifteen hund^d Acres, Lying in the Fork of Rapp^a River between the Pet^{rs} Land, and the Land of one Roberts: And two thousand Acres, adjoining to another Tract of the Pet^{rs} Land, and lying upon a Run called Mountain Run

To Cole Digges, Peter Beverley & W^m Robertson Twelve thousand Acres lying on the River Rappidann, and begining at the Mouth of the Robertson River, and running up the fork between the said two Rivers about three miles, thence Crossing the River Rappidann and continuing it's Courses on bothe sides the said River to include the said Quantity

To W^m Bassett & Gawin^r Corbin fifteen thousand Acres, Lying Upon the South Branch that goes out of the North fork of Rapp^a River between the Gourd Vine fork and the Mountains

To Augustine Smith and Lawrence Smith—Ten thousand Acres Beginning at Cedar Mountain Run, and running up both sides the Robinson River to include y^e s^d Quantity

To Rob^t Brook Jun^r Augustine Smith, William Brook, Humfrey Brook & George Braxton Jun^r Eight thousand Acres on the South Side of Rapp^a River above the Fork joining on the Land of Col^o Rob^t Carter

To Gawin Corbin—Three thousand Acres Adjoyning on the Lands granted him by two Patents for ten thousand one hundred Acres and lying in King & Queen now Spotsylvania County

To Jn^o Bagg Clerk—Ten thousand Acres on the North side of the River Rappidann adjoyning to the uppermost Entry already made on y^e side of the said River

To Will^m Jones—Eight hundred Acres adjoining to his Mill on Saponie Creek in y^e County of Prince George

To Thomas Ravenscroft, W^m Hamelin & W^m Epes—Five thousand Acres, lying within the County of Prince George

To George Parker Merch^t in behalf of himself & Comp^s—Ten thousand Acres joyning on y^e Entry of Rob^t Brooke Jun^r Augst Smith, Will^m & Humfrey Brook and George Braxton Jun^r in y^e Fork of Rapp^a River, begining on the South side of the said River where the afore-said Tract ends and extending thence up the said River and towards the Rappidann, to include the said Quantity—

To John Monro Clerk—Two thousand Acres in New Kent County upon both sides of a Creek called North East Creek, runing into the Southanna, beginning a little below the Fork of the s^d Creek and runing up both sides of the Main Runns thereof, to include the said Quantity—

On the Petition of Harry Beverley, the Caveat Enter'd by Thomas Crook agst a Patent sued out by the said Beverley for Land in King William County, is hereby Vacated the said Crook being dead and no person appearing in his behalf to make out the Allegations therein contained

At a Council Held at the Capitol
March 1st 1720 [1720/21]

Present

The Governor

Edmonds Jenings
James Blair
Philip Ludwell

Will^m Byrd
Nath^l Harrison &
Cole Digges Esq^{rs}

The Minutes of the Council were read as usual. The Governor acquainted the Council that the greater part of the Justices of Northampton County being lately dead together with the Sherif, whereby it came necessary for the dispatch of Justice to Commissionate a new Sherif & likewise to appoint new Justices without waiting for the meeting of a Council he had upon application from the Justices there issued a new Commission of the Peace for that County, and also appointed M^r Ralph Pigot to be Sherif thereof. And also acquainted the Council that Will^m Waters who had been appointed Naval Officer of the Eastern Shore, had desired to be excused from that Employ^{mt} because of his intending this Summer for England, And that there-upon he had given a Commission to M^r James Forse to be Naval Officer of that District; to w^{ch} Nomination the Council Declared they had no Objection.

Peter Beverley Esq^r ps^t

This Board having under Consideration the Acco^t Exhibited by Cap^t Jn^o Martin of the Extraordinary Charges in fitting the Sloop Ranger, and of the provisions Expended and lost in his Voyage to St^t Augustine, proceeded to the Examination of the several Articles thereof, and thereupon it is Ordered that the said Acco^t as it is now regulated be fairly transcribed; And that upon his making Oath to the truth thereof, he be paid out of his Majesties Revenue of 2^s per hh^d Order'd

That there be paid to M^r Hen: Irwin Thirty five pounds two shillings for sundry Stores of War furnished by him for the Sloop sent to St^t Augustine he making Oath to y^e truth of's Acco^t

On the recommendation of the Surveyor Gen^l the following Persons were approv'd of as Surveyors of the several Countys for w^{ch} they are Com^d Viz

John Syme, James Tayler, Aug^t Smith, Cha: Barber, Benjamin & Drury Stith Gentⁿ

On application for an Addition of Justices to the Commiss^o, of the peace for Prince George County a new Commission Ordered for that County Ordered

That there be paid to the Ministers attending the Gen^l Courts & Assemblys 40^s Curr^t money for each Sermon

Sundry Petitions for Leave to take up Land were this day read in Council & granted as follows—

To Hugh Jones Cler—five thousand Acres lying in Essex County Adjoining to the Entry of Richard Hickman for 20000 Acres

To Rich^d Herber—fifteen Hundred Acres in Prince George County on the upper or Northside of Flatt Creek, begining at the mouth of the Rocky branch, and so runing up and taking in both forks to include the said Quantity.

To Rich^d Kennon—three thousand Acres in Prince George County beginning at a small branch at the upper horse Pen, thence to the head of the said branch, thence directly to y^e upper side of Flatt Creek.

To Stith Bolling—One thousand Acres, including his former Entries on Buck skin Creek in Prince George County

To Drury Bolling—three thousand Acres in Prince George County to begin against Hoods Land, on the Spring branch, and so on both sides of the Cellar Fork of Deep Creek to include the said Quantity

To John Bolling—fifteen thousand Acres, on the back Lines of a Tract of 800 Acres belonging to the Pet^r and Jacob Micheaux's Lines: And two thousand five hundred Acres more on the back Lines of the Pet^{rs} Tract on Treasurers Run & Joseph Bradly's Lines

To Robert Bolling, John Hamelin & Jn^o FitzGerald—Eight thousand Acres, lying on both sides Namuzeen Creek in Prince George County begining at the first great branch on the South side of the s^d Creek, about mile and an half above Tallys Horse pen thence up the Creek to include the aforesaid Quantity—

To Rob^t Bolling—three thousand Acres in Prince George County, on the North side of the middle or main Fork of Deep Creek, begining near the lower most Main Beaver Pond, so up the said Fork to include the said Quantity

To Rob^t Bolling—five thousand two hundred fifty seven Acres, four thousand Acres part thereof being formerly granted the Pet^r on Namuzeen Creek in Prince George County, and y^e remainder being Surplus Land found upon a Survey to be contained in the first mentioned Entry.

To Henry Harrison, Jn^o Mason, W^m Cocke & Tho^s Hollinghurst—Five thousand Acres Begining upon the West side of the third great Creek above Christanna Fort where an Indian path Crosses the said Creek so running along the said Path to Beaver pond Creek to contain all the Land between the said two Creeks, the River, and the aforesaid Indian Path

To Geo: Robertson Clerk—three thousand three hundred Acres in Prince George County Begining about two miles below the main Fork of Knibs Creek & so upwards And also between the North branch of the said main Fork and the Beaver Ponds of Flatt Creek

To Alexander Marshal—Two thousand Acres is Henrico County Adjoining on the lower side of Buttur Wood Creek so extending up the River including Genito Creek, so up to the head of the said Creek about six miles above Fort Christanna in Brunswick County.

To Nath^l Harrison and Jn^o Allen—Three thousand Acres at & about the place known by the name of Griffins School, on a Creek about 6 miles above Fort Christanna in Brunswick County

To Rob^t Hicks & Tho: Avent—Two thousand Acres begining at the mouth of the first great Creek on Roanoak River above the Line so runing up the River to include y^e afores^d Quantity

To W^m Edwards—Two thousand Acres in Prince George County, Lying between Fort Christanna and Roanoke along the Trading Path round a red Dogwood

To Cha: Hudson—One thousand Acres in New Kent County, lying upon both sides of flagg Creek

At a Council Held at the Capitol
The 1st Day of May 1721

Present

The Governor

Edmond Jenings
Robert Carter
James Blair
Philip Ludwell

John Lewis
Will^m Byrd
Peter Beverly &
Jn^o Robinson Esq^{rs}

John Robinson Esq^r presented his Maj^{ty}'s Warr^t under his Royal Sign Manual dated the 26th January 1720-21 directing the swearing and admitting the said John Robinson one of his Maj^{ty}'s Council of this Colony; And accordingly having first taken the Oaths appointed by Act of Parl^t to be taken instead of the Oaths of Allegiance and Supremacy & the Adjuration Oath and Subscribed the Test, he took the Oath of a Councillor and was admitted to his place at y^e Board

At a Council Held at the Capitol
y^e 3^d Day of May 1721

Present

The Governor

Edmond Jenings
Rob^t Carter
James Blair
Phillip Ludwell
John Lewis
Will^m Bassett

W^m Byrd
Nath^l Harrison
Mann Page
Cole Digges
Pet Beverley &
Jn^o Robinson Esq^{rs}

On reading at this Board a Letter from Cap^t Tho: Whorwood Comm^{dr} of his Majtys Ship Rye dated at Hampton last night, and sent to the Governor by an Express, wherein advises that one Cap^t Turner of the Ship Jeremiah arrived there Yesterday from the Isle of May and Reports that in his passage he was taken in the Lattitude of 27^d by two Pyrates one a Ship of 38 Carriage & 12 Survill Guns and 240 men, the other a Brigⁿ of 18 Guns; and that the said Pyrats declared they expected to be joined by another Ship of 46 Guns and a proportionable number of men, and that they would then proceed to this Colony; And that the Chief of these Pyrats, whose name is Roberts, swore he would be revenged of Virginia for hanging y^e Pyrats w^{ch} were brought hither by Cap^t Luke Knott. And Cap^t Whorwood further representing that it is impossible for the Ship under his Command to resist so great a force as this Country is now threatned with. The Governor was thereupon pleased to ask the opinion of the Council in what manner the Shipping now here may be best protected, and the Country secured from the Ravages of these Pirates in case they should attempt to force their way up the Rivers; Upon Consideration whereof it is unanimously Resolved.

1st That the Country be put into an immediate posture of Defence.

That for the better discovering the approach of the said Pyrats two persons be appointed to look out to Seaward in Princess Anne County, the one at Cape Henry, the other on y^e Sea Coast to the Southward

That one Look out be also appointed on or near Cape Charles in Northampton County

That Beacons be set up at all such noted Places as y^e Gov^r shal Direct

That for the better defence of the Rivers and protection of the Trade the Batttrys at Point Comfort on James River and at York and Tindalls Point in York River be with all convenient speed repaired and built, and the great Guns mounted thereon.

And that Letters be prepared for the Governors Signing, directed to the Governors of New York, New England and South Carolina, advising them of the Strength & designs of these Pirates and desiring that the men of War on those Stations may joine his Maty Rye in order to Cruize on these Coasts for intercepting and destroying the s^d Pyrates

At a Council Held at the Capitol 6 May 1721

Present

The Governor

Edmond Jenings	Will ^m Byrd
Rob ^t Carter	Will ^m Bassett
James Blair	Nath ^l Harrison
Philip Ludwell	Mann Page
John Lewis	Peter Beverley &
	Jn ^o Robinson Esq ^{rs}

The Governor & Council was pleased to nominate & appoint the following Persons to be Sherifs of the sev^l Countys for the ensuing year viz^t

Henrico.....	John Soans
Pr: George.....	Jn ^o Scott
Surry.....	Tho: Collier
Isle W ^t	Tho: Walton
Nansem ^d	Cha: Drury
Norfolk.....	Sam ^l Boush Jun ^r
Princess Ann.....	Hilary Mosely
Eliz: City.....	Jn ^o King
Warwick.....	Will ^m Harwood
York.....	Joseph Walker
James City.....	John Netherland
New Kent.....	Nich ^l Aldersey
Cha: City.....	Lewellin Epes
Hannover.....	John Perkins
King W ^m	W ^m Smith
King & Queen.....	W ^m Sutherland
Glocester.....	Jn ^o Washington
Midd ^x	Edwin Thacker
Essex.....	Law ^r Talliaferro
King George.....	Jn ^o Dinwiddie
Richmond.....	John Tarpley
Lancaster.....	Tho: Carter
Northumberl ^d	Rich ^d Span
Westermorland.....	Geo: Turberville
Stafford.....	Geo: Fitzhugh
Accomack.....	Edm ^d Scarborough
Northampton.....	Ralph Piggol

For the better defence of Rapp^a River and protection of the Trade there agst the attempts of Pyrates; It is ordered that ten Peices of Cannon be transported from James Town and mounted on one or more Batterys, to be erected at such Places in that River, as the Governor shall judge convenient.
Order'd

That such Cannon as are now at York, Tindalls Point & Point Comfort be mounted, and that Batterys be erected for that Purpose at each of the said Places, and that a Supply of Powder and ball be sent thither, out of his Majestys Magazine.

Whereas at a tryal before the hon^{ble} the Gen^l Court upon an Indictment found agst James Robertson Clerk, for uttering scandalous words of his Maj^{ty} King George, It hath appeared that the said words were spoken in the Presence of John Hardyman, then, and now, one of his Maj^{ty}s Justices for the County of Prince George; who contrary to the duty of his office, did for the space of seven months conceal the said Scandalous words: It is therefore ordered, That the said Jn^o Hardyman, be for the said offence, removed from the Office of Sherif of the aforesaid County; And that a Copy of this Order be transmitted to the Court of the said County

On Petition of Tho^s Collier Sherif of Surry County; setting forth the great charge and trouble he hath been at in Collecting and making convenient the Q^{tt} Rents Tobacco of the said County for w^{ch} the 14 per c^t formerly allowed to the Sherifs of that County is not a sufficient recompence and praying a farther allowance for that Service: It appearing to this Board that the Publick Tobacco of that County is so inconvenient by the great number of new Plantations, remote from Water Carriage that 20 per c^t has been and is now allowed even for the Collectors of the Parish Le[v]lys It is therefore ordered, that the like allowance of 20 per cent be given the said Sherif for collecting his Maj^{ty}s Q^{tt} Rents the last year, and that the same be continued 'till further order.

For the better Regulating of Justice in the new created County of Hanover, the Governor wth the advice of the Council, this day nominated and appointed the following Persons to be Justices of the Peace for the said County Viz^t Nich^o Merriwether, Nath^l West, Roger Thompson, Jn^o Perkins, John Syme and David Merriwether

Ordered that the Court for the said County of Hanover be held at the Plantation of Rob^t Jenings; That the Court House be erected there, and that the Sherif of the said County be directed to attend the Justices at that Place.

The following Persons were this day nominated Justices of the Peace for the new erected County of King George Viz: Will^m Robinson, Nich^o Smith, W^m Thornton, Janathⁿ Gibson, Joseph Strother, Jn^o Spencer, & Jn^o Dinwiddy the first four to be of the Quorum.

Ord^d That the Court for the said County of King George be held at the Place called Millers Plantation on Rapp^a Riv^r, and that the Sherif be directed to attend the Justices accordingly

New Commissions of the Peace were this day ord^d to Issue for the Countys of Charles City, James City, Gloscester, Richmond and Warwick with the addition of sundry new Justices

The Governor having laid before the Council a Letter from his Excell^{cy} W^m Burnet Esq^r Governor of the Province of New York, representing the urgent occasions of that Government to erect Forts for y^e security of its Frontiers, and demanding for that purpose y^e sum of £900 being the Quota appointed to be furnished by this Colony, and w^{ch} he by his Majesties Instructions is directed to demand in case of Necessity: And the Governor desiring the advice of the Board therein the Council do thereupon declare their opinion that as such a Supply has been twice recommended to the Gen^l Assembly,

and refused by the House of Burgesses and the reasons for their refusal humbly represented both to his Maj^{ty} King William & her late Majesty Queen Anne it is not to be expected that the Gen^l Assembly will be induced to consent to any such Contribution now while the same reasons that swayed them then do still subsist and that without the concurrence of the Gen^l Assembly, this Government has no Fund to answer the said Demend—

Will^m Cole Gent producing a Deputation from James Roscow Esq^r Rec^r Gen^l of his Maj^{ty}s Revenues to Act for him in that Office during his absence in England whither he is now bound for the recovery of his health; the said W^m Cole accordingly took the Oaths appointed to be taken instead of the Oaths of Allegiance and Supremacy and the Abjuration Oath, Subscribed the Test and took the Oath for the due Execution of that Office—

Whereas it has been represented to this Board that divers unskillful Persons take upon them to Pilote Ships in the several Rivers of this Colony to the great danger of the Trade and y^e Prejudice of those who having taken pains to qualify themselves forth at Employment have obtain'd Commissions from the Government. For preventing the like inconveniencys for the future: It is ordered that no Person do presume to take Charge of any Ship or Vessell as Pilote untill he has produced to the Governor a Testimonial of his Qualifications from two Comm^{drs} of his Maj^{ty}s Ships of War or four Masters of Merchant Ships at least, and shal thereupon obtain the Governors Commiss^o for a Branch in which he is to serve as Pilote, and shal enter his name in the List of Pylotes which the Naval Officers are hereby directed to keep constantly fixed up in their respective Offices. And if any Person not being so Qualifyed and authorized shal presume to act as a Pilote the said Naval Officers are hereby required to return y^e name of such Person to his Maj^{ty} Attorney Gen^l to the end he may be prosecuted for the same; And it is ordered that these Presents be publickly notified by the several Naval Officers in their respective Districts.

The following Warrants on the Rec^r Gen^l to be paid out of his Maj^{ty}s Revenue of 2^s per hh^d Port dutys and head money were this day Signed by the Gov^r in Council Viz^t

To the Governor half a years Sallary ending y ^e 25 th	
April last.....	£1000
To the Gent ⁿ of his Maj ^{ty} s Council for the same time.....	175
To the Auditor Gen ^l of the Plantations for the same time.....	50
To the Solicitor of the Virginia affairs for the same time.....	50
To the Attorney Gen ^l for the same time.....	20
To the Clerk of the Council for the same time.....	50
To the Gunner of James City for the same time.....	5
To the Armourer for the same time.....	6
To the sundry Ministers attending last Gen ^l Court and Assembly.....	10

To the Clerk of the Council for sundry Expresses &
 other Conting^t Chag^s.....83£5^s3½^d
 To Cap^t John Martin for his Sloop Ranger, lost in his
 Voyage to S^t Augustine & for sundry Charges of
 Provisions and Stores lost & expended in that
 Service.....499£6^s7^d

And out of the Q^{tt} R^{ts}

To Nath^l Blackiston Esq^r a years additional Sallary as
 Agent for Virginia..... £ 200
 To M^r Commiss^{ry} Blair one years Salary..... £ 100
 To M^r Attorney Gen^l one years Additional Sallary.... £ 60

The Acco^{ts} of his Maj^{ty}'s Revenues of 2^s per hh^d Port dutys
 and head money and of the Revenue of Quitt R^{ts} being examined
 by the Auditor were sworne to by the Rec^r Gen^l and Certified by
 the Governor as usual

A Petit^o of the Inhabitants of the Town of Hampton, praying
 a Patent for one hundred & twenty foot in length, and eighteen foot
 in width of the ground lying within the high water mark at the said
 Town, whereon to build a Wharf and Key for the conveniency of
 that Town was presented to the Board and read, and ordered that
 M^r George Walker have notice of y^e said Petition, and that the Partys
 be heard on the 3^d day of the next Gen^l Court.

Tho^s Ravenscroft, W^m Hamlin and W^m Epes Gentⁿ by their
 Petition complaining of diverse irregular practices of Rob^t Bolling Gentⁿ
 Surveyor of the County of Prince George tending to defeat the Peti-
 tioners right of Entry in a Tract of Land in the said County. It is
 ordered that the several Parties be heard before this Board on the
 3^d day of next Gen^l Court and that they come prepared with proper
 Evidences to make out their several Pretensions

On the hum^{ble} Petition of John Tyler, it is order'd that the sum
 of sixteen Pounds Sterl out of his Maj^{ty}'s Revenue of 2^s per hh^d be
 paid him in consideration of his loss by y^e maiming of his Negro man
 Priamus in fixing the great Guns on the Annaversary of his Majestys
 accession to the Throne, over and above the gratuity given him by
 the late Gen^l Assembly.

The Petition of Dan^l Pugh against Lewis Connor is ordered to
 be heard in Council on the 3^d day of next Gen^l Court of w^{ch} the said
 Pugh is hereby directed to give notice to the said Connor.

On reading at this Board the Petition of Cyril Wych eldest Son
 and heir of W^m Wych late of the County of Surry dec^d setting forth
 that his said Father did some Years ago enter for 620 Acres of Land
 on Roanoak River which was then supposed to be within the Province
 of N^o Carolina and did obtain a Patent for the same from that
 Government; but the Pet^r being informed since his father's death
 that the said Land is within the Controverted Bounds, and in proba-
 bility like to fall within the limitts of Virginia upon a fair determina-
 tion of the Controversy; he therefore prays that a Patent may be
 granted him here for the same land, And it is thereupon order'd that
 the said Petition be lodged in the Council office untill the Boundaries
 be adjusted, and that if the land therein mentioned fall within the

limitts of this Governmt^t he have leave to make application for a Patent upon such terms as shall be allow'd for other Lands under the like Circumstances.

On the Petition of Rob^t Beverley, setting forth that he having formerly obtained leave to take up and Patent 1200 acres of Land in a place called the little Fork of Rapp^a Riv^r and now finding that he can conveniently make up y^e quantity of 2500 acres, therefore praying liberty to enlarge the said Tract, accordingly it is ordered that leave be granted the Petitioner to enlarge his said Tract of 1200 acres to 2500. This Board being satisfied of his ability to Cultivate the same according to Law

On the Petition of Jn^o Latham of King and Queen County, setting forth that on the 5th of May last, he obtained leave of this Board to take up and Patent 1200 acres of land in one tract in the Fork of Rapp^a River, upon the upper end of M^r Rob^t Beverlys Tract of 4000 acres, and now finding that he can conveniently make the same up 2000 acres at y^e same Place, therefore praying leave to enlarge the said Tract to 2000. It is order'd that leave be granted the Pet^r to enlarge the said Tract according to the Prayer of his Petition.

Several Petitions for taking up lands being presented and read in Council, and this Board being satisfied of the ability of the Pet^{rs} to cultivate the said land according to law,

It is ordered that there be Granted to the respective Pet^{rs} as follows

To Ambrose Maddison—One thousand acres of land in the little Fork of Rapp^a River, adjoyning to the Entrys of M^r Rob^t Beverley

To Lawrence Taliaferro & Jn^o Taliaferro—Five thousand acres in Spotsylvania County begining in a line of the land formerly granted to Petitioners.

To Geo: Allen—Twelve hundred acres on the branches of the Po & Tay Rivers in the County of Spotsylvania.

To W^m Todd, Jn^o Battaile and Jn^o Taliaferro—Twenty thousand acres in Spotsylvania County above Mountain Run, beginning upon the South West Line of M^r Jn^o Baylor and Col^o James Taylor's Land

To Eliz^a Roots—Two thousand acres adjoyning to the Entry of Col^o W^m Bassett in Spotsylvania County.

To Jn^o Thornton—One thousand acres on the head of the River Po in Spotsylvania County.

To John Boush—One thousand Acres on the branches of Pomonkey River in Spotsylvania County.

To Thomas Carr jun^r—Six thousand acres upon the head branches of Mattapony River in the County of Spotsylvania.

To W^m Robertson and Larkin Chew—Seven thousand acres in Spotsylvania County on the upper side of Russell Run and including the Mine Run to make y^e s^d Quantity

To Larkin Chew—Six thousand acres in King William County on Pamunkey River, adjoyning to the Entrys of Tho: Crook

To Jn^o Robinson and Christopher Robinson—Three thousand acres of Land each, near the Mountains, on the Frontiers of Spotsylvania County.

To Bartholomew Yates, Lewis Lataine, Henry Beverley & W^m Stanard—Three thousand acres each, near the Mountains on y^e Frontiers of Spotsylvania County.

To Robert Munford—Three thousand acres in Brunswick County on the South side of Roanoak Riv^r, begining a little above the old Western Trading Path.

To Rob^t Munford—Three thousand acres in Brunswick County on the Fork of the great Creek, including the head branches thereof, thence to the Beaver Pond Creek on both sides to include the said Quantity.

To Rob^t Munford—One thousand acres in Prince George County, so as to include the Pet^{rs} patented Lands on Rowantee wthin the said Quantity.

To Robert Munford—Four thousand acres on Saponie Creek in the County of Prince George, so as to include the Pet^{rs} former Entrys at that Place; and also two thousand acres adjoining to the Pet^{rs} other Lands on Saponie River in Prince George County afores^d

To Thomas Randolph—Seven hundred & fifty acres, lying upon Tuckahoe between the Lines of Jn^o Martin, Rich^d Randolph and Edward Hatcher; and also fifteen hundred acres lying on Willis's Creek, between the Lands of Charles Huddlesey and John Thornton

To W^m Randolph—Four thousand acres in Henrico County begining about five miles below the head of Deep Creek, thence up the Creek on both sides thereof to include the aforesaid Quantity—

To John Epes & Josham Epes—Five hundred thirty eight acres lying on Gravelly Run in Prince George County

To Rich^d Jones—Six hundred acres on Stony Creek in Prince George County

To Drury Stith—Three thous^d acres in Brunswick County, begining at the New Horse Ford on the South side of Roanoak River, thence down the River for the said quantity; also three thousand acres on the North side of the said Roanoak River, begining at the River on Coll^o Harrisons Lower Line—thence down y^e s^d Riv^r for y^e afores^d quantity.

To Henry Harrison—Two thousand acres in Prince George County, begining in the Fork of the great Creek that Issues out of Maherine River on the North side a little below Fort Christanna on the Eastern branch thereof, so runing up the Creek to compleat that quantity.

To W^m Jones—Three thousand acres upon the Fluvanna in Henrico County or in any part of the Fork of James River, not already Enter'd for

To Nath^l Harrison Esq^r—Four thous^d acres in Brunswick County on the South side Roanoak River, begining at or near a Hickory marked wth y^e Letters B E thence up the Riv^r and on the back of the Beaver Damms to compleat the said quantity—

To Ja^s Taylor Gent^t—Ten thous^d acres in Spotsylvania County on both sides of East N^o E Riv^r

At a Council held at y^e Capitol Augst 10th 1721

Present

The Governor

Edmund Jenings

Nath^l Harrison

Philip Ludwell

Cole Digges

John Lewis

Peter Beverley &

Jn^o Robinson Esq^{rs}

The Governor informed the Board that the occasion of calling them together at this time was upon the advices he had received of the Tracts of great numbers of strange Indians discovered on the Southern Frontiers, which had alarmed the Tributarys suspecting the Southern Indians were come to attack them; but he last night received certain intelligence that this report of the approach of the Southern Indians was entirely groundless, there appearing no other foundation for it than the discovery of some fires which the Saponie Indians had made on their hunting on Roanoak River.

A Letter from S^r W^m Keith Bar^t Governor of the Province of Pensilvania, being read at the Board, together with an Acco^t of a Conference held at Connestego on the 7th & 8th of last month, between the said Governor and certain Deputys of the five Nations: Wherein the said Deputys did declare their intention to come into this Government in order to treat of a Peace: And thereupon the Governor observing that it was uncertain at what Place in the Government the said Deputys would first arrive, and that probably they might come to Germanna, as being a shorter Journey; he desired the opinion of this Board as to the terms to be proposed to them on the part of this Government. The Council are of opinion, that the preliminaries which were some years since delivered to the Governor of New York, and have not been yet answered by the five Nations ought to be the foundation of the present Treaty: That if the said Indian Deputys can be prevailed on to attend the Governor at Williamsburg at the Gen^l Court, it would be more proper to Treat with them here than at any other Place; but if they will not Condescend to stay so long, that then the Governor should enter into such agreements with them as he shall judge most for his Majesty's Service; or in case they should first arrive at the Nottoway Indian Town (as it is probable they may in regard of the Friendship between them and the Nottoway Indians) that then Col^o Harrison be impowered to Treat with them upon the Plan of the aforementioned preliminaries; giving them a Passport to Travell to Germanna in their Return, that such Treaty as shall be made with them may receive the Governor's Approbation: And that suitable Presents be made to y^e s^d Dep^{ty}s on y^e part of this Gov^t upon the Conclusion of such Treaty. And whereas the Gov^r was pleased to inform the Board that diverse Negro's as well of his own as of others of the Inhab^{ts} on the Frontiers of Rapp^a have lately run away & suspected to be gone towards y^e Great Mountains, where it may be hard to appreh^d 'em, & if they shou^d encrease there, it might prove of ill consequence to y^e Peace of this Colony, and of great

detriment to the Frontier Inhabitants and that for preventing thereof he had already Writt to the Governors of Maryland, Pennsylvania and New York to give orders to their Indians to hunt for the said Runaways among the Mountains and had proposed a reward for bringing them in dead or alive, they being already out law'd and may by the Act of Assembly be killed if they dont Surrender: It is the opinion of the Council that the same Proposal be made to the deputys now expected assuring them of a Suitable Reward for such of the said Runaways as they or any of their Nation shall so take & deliver up.

The Governor laid before the Council a copy of an Instruction from the R^t Hon^{ble} the Lords Com^{rs} of the Admiralty to Cap^t Yeo Commander of his Maj^{ty}'s Ship Enterprize now on this Station, wherein he is directed upon discovering any Pyrate Ship or Vessell on the Coast, w^{ch} may run into Shoal water where the Man of War under his command cant follow; That he order a Lieu^t and a sufficient number of men out of his said Ship to be put on board such Sloop as this Government shall furnish in order to take, sink, burn or destroy such Pirate Ship or Vessell with their crew. And it is ordered that the said Instruction be entered in the Council books.

For the better securing the Batterys and Cannon now erecting at the mouths of the great Rivers it is ordered that the same be inclosed and covered with Sheds as well for preserving the Carriages and Platforms, as for securing the Stores of war lodged in the said Batterys.

Whereas Joseph Stretton late Master or Super Cargo of the Ship Prince Eugene of Bristol hath upon the Examination of sundry witnesses before his Maj^{ty}'s Comm^{rs} for hearing and determining pyracys, been discovered to have illegally traded with Pyrates at the Island of Madagascar, and therupon hath been committed in order to his tryal in England as an accessory to Pyracys: And whereas the said Joseph Stretton did sometime before his Committm^t put into the hands of Cole Digges Esq^r a consid^{ble} sum of money in baggs to be remitted to the owners of the said Ship, w^{ch} said money being proved to have been received from the Pyrates with whom he traded, it is therefore doubtful whether the same ought not to be accounted pyraty effects. The Governor by and with the advice of the Council doth order & direct that Cole Digges Esq^r do keep the said money in his hands untill the event of the said Strettons tryal in England be known, and in the mean time that an Accompt thereof be taken before the Collector & Naval Officer of York River, who are hereby directed to Seal up the baggs & Chest in w^{ch} the same is contained, and to take a Receipt from the s^d Cole Digges to be accountable for the s^d money to such Person or Persons as shall appear to have a lawfull right thereto, the danger of fire & robbery excepted.

A Petition being presented to this Board in behalf of George McDowell & the other Sailors belonging to the Sloop Endeavour committed to York Goal on suspicion of Pyracys, praying to be brought to a speedy tryal; It appearing upon the Examination of y^e said Prisoners, that there is great suspicion of their running away with

the said Sloop, and it being probable that some of the Persons pretend^d to be set ashore on the Coast of Affrica may arrive here in a few months, whereby the truth of their case may be more fully made appear: It is the opinion of this Board that the Petitioners be continued in Prison untill the next Gen^l Court, and that if no evidence be found against them they be then discharged—

On the Petition of Alexander Cocke setting forth that he obtained a Patent for four hundred acres of Land on Beaver Damm Creek in the County of Hannover formerly New Kent, but upon a Resurvey found the courses of the said Patent very erroneous & not answering the quantity described therein and praying liberty to take up eight hund^d acres more at the same place, & that an inclusive Patent may be granted him for the whole: Leave is accordingly granted the Petitioner to take up the said quantity of Land including his former Patent, It appearing by the Surveyors Certificate that the same doth not interfere wth any prior Entry.

The following Petitions for leave to take up Land were presented and read & leave accordingly granted, the Petitioners appearing of sufficient ability to cultivate the same according to law viz

To Edmund Jenings Esq^r, W^m Jenings, James Taylor jun^r, & W^m White for ten thousand acres of Land lying in Spotsylvania County on the head of y^e Northanna joining on a Tract of Land taken by Jn^o Baylor dec^d and running Westerly for the Complement

To Jeremiah Clowder and Edwin Thacker four thousand acres on y^e Frontiers of Spotsylvania County, joining on the Entrys of Jn^o Robinson Esq^r Christopher Robinson and Harry Beverley.

At a Council held at the Capitol y^e 16th Octo^r 1721

Present

The Governor

Edmond Jenings

Nath^l Harrison

Philip Ludwell

Mann Page

W^m Bassett

Cole Digges &

Jn^o Robinson Esq^{rs}

Whereas the Gen^l Assembly stands Prorogued to the 7th day of November next and there appearing no immediate occasion for the meeting of the said Assembly according to the said prorogation, It is ordered that it be further prorogued untill Wednesday the 9th day of May next, And that a Proclamation issue accordingly.

On the Petition of Joseph Foster Jun^r & Roger Thomson leave is granted them to take up in one Tract two thousand acres of land in Hannover County beginning at the mouth of Fosters Creek on the Southside the Southanna, and running up both sides the Creek bounding on Thomsons Creek & Maj^r Nich^o Merriweathers Entry.

At a Council held at the Capitol Octo^r 19th 1721

Present

The Governor

Edmond Jenings

Nath^l Harrison

Philip Ludwell

Mann Page

Jn^o Lewis

Cole Digges

W^m Bassett

Peter Beverley &

Jn^o Robinson Esq^{rs}

This day certain Deputys from the five Nations attended the Governor in Council, and being asked by an Interpreter upon what Message they are come into this Gov^t they answered, That upon receipt of a Belt of Wampum sent last year from this Governm^t to the five Nations, with an intimation that the Governor was desirous to speak with some of their Great Men, the said five Nations had deputed them for that Purpose; That there were five of them sent being the same who treated this Summer with the Governors of Maryland & Pensylvania; but that since their arrival here, two of them are dead, and that tho' these Present belong only to three of the Town's of the said Indians, Yet they have authority from the whole. And thereupon they presented to the Governor a Belt of Wampum, saying it was in return of the Belt he sent them last year; And in token of their friendship to this Colony. Whereupon the Governor told then that he received this Belt with the same Friendship as the five Nations received that sent from this Government, and that he would discourse further with them tomorrow, being unwilling to detain them longer at present, because he perceived their Cheif Man was Sick: but one of the said Indians offering to present a parcel of Buckskins, and at the same time complaining of some former injurys done to their Nation by the Totteros now Tributarys to this Government; and desiring liberty to cutt off the said Tottero Indians: The Governor told them that he would give them an answer to morrow, after he had taken the advice of the Council

At a Council held at the Capitol Octo^r 20th 1721

Present

As Yesterday

The Governor laid before the Council a Letter w^{ch} he received last night from the Governor of New York, wherein was inclosed a Copy of his Negotiations with the Sachims of the five Nations at Albany on the 7th & 8th days of last month: and the same was read. At which time it was proposed by the Governor of New York, on the behalf of Virginia, and solemnly agreed to by all the five Nations: That none of the said Indians should for the future Cross Potomack River, or pass to the Eastward of y^e Great Ridge of Mountains without the Licence of the Governor of New York: And on the other hand it was by the said Governor stipulated in behalf of Virg^a,

That none of the Tributarys of this Government shall hereafter cross the said River of Potomack nor pass to the Westward of the Great Mountains without the Licence of the Governor of Virginia And thereupon the Governor acquainting the Board that these Concessions of the five Nations being exactly Conformable to the Preliminarys some years since offered by him, as the terms upon which this Government would consent to renew the Peace or Covenant Chain with the said five Nations, he judged it incumbent on this Government to send Commissioners to Albany as soon as conveniently may be: And desiring the Councils opinion therein. The Council are unanimously of opinion that it is necessary the Peace or Covenant Chain with the said five Nations be formally renewed; And that the most proper time for that purpose will be when the Governor of New York goes next to Albany to Treat with the said Indians.

And whereas it appears by the Transactions at Albany now read at the Board that the five Nations have not insisted on any Satisfaction from the Tottero's, or any other of our Tributarys according to what was yesterday offered by their Deputys. The Council are of opinion that this may properly be urged as an answer to the Proposal of the said Deputys for leave to cutt off the Totteros: but nevertheless if they remain unsatisfied therewith that then they be told that this demand shal be left to be determined in the Treaty at Albany.

And upon reading at the Board that part of the Governor's of New Yorks Negotiations at Albany with the five Nations, wherein it was proposed on the behalf of Virginia & agreed to by the Sachims of the Five Nations, that such Runaway Negros belonging to the Inhabitants of Virginia as the said Indians shal discover and apprehend in their Hunting among the Great Mountains be delivered by them at Germanna and a Reward given for that Service, upon which Proposition and Agreement the said Indians had given a Belt of Wampum in token of their consent. It is ordered that this Article be likewise communicated to the Deputys now here, to the end they may notify the same to such of their hunting Parties as they shal meet with in their return home

On hearing this day in Council the case on the Petition of Thomas Ravenscroft, Will^m Epes & W^m Hamlin against Rob^t Bolling Surveyor of the County of Prince George for keeping Possession of a large Tract of Land on Namuseen Creek in the said County for divers years past, without making any Survey, or taking out a Patent for the same, and refusing their Entry for part of the said Tract when lawfully tendered. The partys with their Council being withdrawn. It is the opinion of this Board & accordingly ordered that forasmuch as it hath been fully made appear that the said Rob^t Bolling hath transgressed the orders of the Government in keeping Possession of his Majesty's land without Patent or Survey the said Rob^t Bolling do forthwith pay his Majestys Q^{tt} Rents for four thousand acres of the said land from Michaelmass 1717 And it is further ordered that he compound with the Petitioners for their pretensions to the said 4000 acres and the overplus land contain'd within the said Tract,

reserving to this Board to determine finally in the matter in case the said Parties shal not agree within 'emselves.

The Deputys of the Northern Indians being introduced into the Council Chamber, And there being also Present the Chief Men of the Nottoway & Saponie Indians, the Governor communicated to them the Negotiations at Albany since they set out on this Journey, and shewed them the Belts w^{ch} the Sachims of the five Nations had delivered on that occasion, And after some further Conference with the said Deputys, and delivering them some presents, they were told that the Governor intended to discourse further with them to morrow. And then they withdrew

At a Council held at the Capitol Octob^r 21st 1721

Present

As Yesterday

The Governor in Council having had a further Conference with the Dep^ty^s of the five Nations of w^{ch} and the preceeding Conferences a particular Acco^t was ordered to be drawn up and enter'd among the Indian Treatys. The s^d Dep^ty^s retired

And upon Consideration of what was offered by the said Indians in relation to the manner of their return home; It is ordered that a Sloop be provided to carry 'em to Annapolis. That each of the said Deputys be presented with a Coat of blue Broad Cloth, a Fuzil & as much Powder and Shott as they shall desire to carry wth them, and a Suit of Cloaths for each of the Widows of the Great Men that accompanied them hither and are since dead

At a Council held at the Capitol Octo^r 23^d 1721

Present

The Governor

Edmond Jenings

Jn^o Lewis

Robert Carter

Mann Page

Philip Ludwell

Peter Beverley &

Jn^o Robinson Esq^{rs}

The Governor acquainting the Council that one of the Great Men of the Chickasaw Indians (a Nation inhabiting near the mouth of the River Mississippi) together with certain Chiefs of y^e Cherokees were come hither with some Proposals for those Nations. The said Indians were brought into the Council Chamber, where they entered singing, according to their Custom; And the Great Man of the Chickasaws carrying in his hand a Calamett of Peace, first presented a parcel of Deer Skins, which he spread upon the Shoulders of the Governor and divers of the Council; And then made a Speech to the Governor, importing in substance, that his Nations being at war with the French and wanting Arms and Ammunition, with which the English of South Carolina were unable to supply them by reason

of their having but few Horses for Carriage; he was sent hither to desire a Trade with this Colony; after which he presented to the Governor his Calamett of Peace as a token that the Chickasaws desired to live at Peace and friendship with the English of this Colony.

The Governor thereupon receiving the Calamett told the said Chickasaw Indian that tho Virginia be the first and Chief of the King of Great Britains Dominions in America yet he must understand

APPENDIX

Proclamations

[C. O. 5, 1315, No. 35^{viii}]

Virginia Sc^t

By his Excellency

Seal

A Proclamation

Whereas by an act of parliament made in the third & fourth year of our now Sovereign Lady Queen Anne &c Intituled an act for prohibiting all trade & Commerce with France It is thus mentioned Whereas it hath been found by long Experience, that y^e bringing in of French wines, vinagar, brandy, Linen, Silks, salt and paper, & other y^e Comodities of y^e growth, product, or manufacture of France, or of y^e territories or dominions of the French king, hath much exhausted y^e treasure of this nation, Lessened y^e value of y^e native Comodities & manufactures thereof, & greatly Impoverished y^e English artificers, & handicrafts, and Caused great detriment to y^e kingdome in General: be it therefore Enacted by y^e Queens most Excellent Majesty, by and with y^e advise & consent of y^e lords sperituall & temporall & Comons in this present parliament assembled, & by y^e authority of y^e same, that from & after y^e five & twentieth day of march, in y^e year of our lord, one thousand seaven hundred & five, none of y^e Comodities aforesaid, or any other goods or Comodities whatsoever, of y^e growth, product, or manufacture of any of y^e dominions or territories of y^e French king or any goods, Comodities, or manufactures made of, or mixed with silk, thread, wooll, hair, gold, silver, leather or other goods, or Comodities, being of y^e growth, product, or manufacture of any y^e dominions or territories of y^e French king (excepting goods taken as prize, & Condemned as such in y^e high Court of admiralty of England, or ordered by y^e said Court, before Condemnation, to be sold, as perishable, wherein y^e said Court is hereby directed to proceed in y^e same manner, as at any time before y^e making of this act) shall, during y^e present war with France, be Imported in any ship or Vessel whatsoever into any port, haven, Creek, or other place whatsoever, in y^e kingdoms of England or Ireland, the Dominion of Wales, or town of berwick upon tweed, or Isles of Jersey, Guernsey, Alderney, sark, or Isle of man, from any port or place whatsoever, either mixt or unmixt with any Comodity of y^e growth or product of any other nation, place, or Country whatsoever, under y^e penalty of y^e forfeiture of all such goods & Comodities & of y^e ship or vessell in which they shall be imported, with y^e knowledge, privity or Consent of y^e master, with all her guns, takle, furniture, ammunition, & apparel; one moiety to her Majesty, her heires & Successors, & y^e other moiety to him or them who shall seize, Inform, or sue for y^e same in any Court of record, by bill, Information, plaint, or other action, where no Essoign, protection or wager of law shall be allowed—

And to prevent Collusive, fraudulent and Clandestine Captures by privateers, be it Enacted by y^e authority afores^d that if any privateer or privateers shall by Consent, or Clandestinely, or by Collusion, seize or take any ship or Vessel whatsoever, upon due proof thereof to be made in y^e Court of admiralty, y^e bail or recognizance given in y^e said Court, by or on y^e behalf of such privateer, at y^e taking out of his Commission, shall be pronounced & declared by y^e said Court to be forfeited, & y^e privateer ship it selfe with all her appurtenances, Guns, takle, ammunition & goods on board, as also y^e merchant ship or vessell that shall be so taken, with her appurtenances, & lading, upon proof as aforesaid shall be Condemned as good & lawfull prizes and after Condemnation & sale thereof, the person or persons discovering & prosecuting y^e same, shall have one third part of y^e net produce for his or their Encouragement Provided, that nothing in this act contained, shall be Construed to extend to prohibit or hinder any of Majestys subjects, who shall make proof on oath before one of y^e barons of her Majestys Court of Exchequer, that they had on or before y^e first day of January one thousand seven hundred & four, really & *bona fide* bought or Contracted for, by his or their order, by their factors or their agents, any French wine, at any place or places in amity with her Majesty, from whence any such wines might by law be imported before the passing of this act, from importing such wine, so really & *bona fide* bought or Contracted for, into any port in England or wales in English built shipping only, & navigated according to law, so as y^e said wines be imported on or before y^e first day of august, one thousand seaven hundred & five; anything Contained in this act to y^e Contrary in any wise notwithstanding—

Provided, that nothing in this or any other act Contained, shall be Construed to extend to prohibit or hinder any of her Majestys subjects, from trading with y^e subjects of Spain, but that it shall & may be lawfull for her Majestys s^d subjects to trade with y^e said subjects of Spain; any thing herein, or in any other law, to y^e Contrary notwithstanding.

Provided always, that nothing in this act Contained, shall be Construed to extend, to permitt or allow y^e carrying of any armes offensive or defensive, ordnance, ordnance stores, powder, match, bullets, pitch tar hemp, masts Cordage Iron or Saltpeter [several words here undecipherable] to any p[lace] belonging to y^e Crown of Spain; nor to permitt, or allow any trade in any manner whatsoever, with y^e subjects of Spain for y^e fore-mentioned goods & merchandize

And whereas by another act of parliament made in y^e same year of y^e reigne of our Sovereign lady y^e Queen intituled an act to prevent all traitorous Correspondence with her Majestys Enemies it is thus mentioned for preventing all traiterous Correspondence with y^e French king, or his subjects, & supplying them with warlike or other stores, be it declared & Enacted by y^e Queens most Excellent Maj^{ty} by & with y^e advise & Consent of y^e lords speritual & temporal, & Commons in this present parliament assembled, & by y^e authority of y^e same, that if at any time after y^e five & twentieth day of march,

one thousand seaven hundred & five, any person or persons shall, during y^e Continuance of y^e present war with France, send, or load, or transport, or Deliver, or Cause to be sent, or Laden or transported, or delivered unto or for y^e use of y^e said French king, or any of his subjects residing within his dominions, or any town or territory in his possession, or into, or for any port or place within his said Dominions, any armes, ordnance, powder, bullets, pitch, tar, hemp, masts Cordage, Iron, or Saltpetre, every person or persons, so as aforesaid offending & being thereof Convicted or attainted by due Course of law, shall be deemed declared & adjudged to be a traitor or traitors & suffer y^e pains of Death, & also lose & forfeit as in cases of high treason—

And be it further Enacted, that if any of her Maj^{ty}s subjects, who have at any time since y^e fourth day of may, in y^e first year of her Majestys reign, voluntarily gone into France, or any of y^e French kings Dominions in Europe without licence from her Majesty, or who have at any time since y^e said fourth day of may, in y^e first year of her Majestys reign, born armes in y^e service of y^e French king, either by sea or land, shall at any time after y^e said five & twentieth day of march, one thousand seaven hundred & five, return into this kingdome of England, or any other her Majestys Dominions, without licence from her Maj^{ty} under her privy seal, every person so offending & being thereof lawfully Convicted or attainted, shall be taken, deemed & adjudged to be guilty of high treason & shall suffer penalties as in Case of high treason—

And be it further Enacted by y^e authority aforesaid, that if any person who, since y^e said fourth day of may in y^e first year of her Majestys reign, went into France, or any of y^e French kings dominions, without licence from her Majesty, or hath been in armes under y^e French king, either by sea or land, hath returned into this realm without licence from her Majesty, every such person shall depart this realm before y^e first day of may, one thousand seaven hundred & five, unless such person shall before y^e first day of may, obtain her Maj^{ty}s licence under her privy seale for staying here; and in Case such person shall not depart this realm on or before y^e said first day of may, or shall after such departure return into this realm without her Maj^{ty}s licence as aforesaid, every such person so offending being thereof lawfully Convicted, shall be taken, deemed, & adjudged to be guilty of high treason, & shall suffer penalties as in Case of high treason.

And be it further Enacted, that if any of her Maj^{ty}s subjects shall, from & after y^e said five & twentieth day of march, one thousand seaven hundred & five, during the Continuance of this present war with France, without licence from her Majesty, voluntarily go, or repair, or Embark, in any Vessell, with an intent to go into France, or any dominions of y^e French king, & be thereof Convicted or attainted by due Course of law every such person shall be taken Deemed & adjudged to be guilty of high treason, & shall suffer as in Case of high treason—

And be it further Enacted, that where any of y^e Offences against this act shall be committed out of this realm, or if any person or persons

shall be guilty of returning or Continuing within this realm Contrary to y^e provisions herein before made, every such offence may be alledged & laid, Inquired of, & tryed in any County of this realm—

And be it further Enacted by y^e authority aforesaid, that all & every person & persons, who shall hereafter be accused, Indicted, or prosecuted for any thing made or declared Treason by this act, shall be Entitled to y^e benefitt of y^e act of parliament made in y^e seaventh year of y^e reign of his late majesty king William y^e third, Intituled an act for y^e regulating of tryals in Cases of treason or mis-prision of treason—

I do therefore hereby in pursuance to her Majestys Commands publish & make known y^e said acts of parliam^t & do likewise require all her Majestys loving subjects to pay all due obedience to y^e same upon pain of incurring y^e severall forfeitures and penalties in y^e s^d severall acts mentioned & also Charge & Command y^e sherriffs of y^e severall Countys to Cause this my proclamation to be read & published in all Churches, Chappells & Courthouses within their respective Countys, Given under my hand & y^e seale of y^e Colony this 28th day of November in y^e fourth year of y^e reign of our Sovereign Lady Anne by y^e Grace of God of England Scotland France & Ireland Queen Defender of y^e faith *Annoq Dom 1705* [page mutilated, a few words gone]

Edw: Nott

[C. O. 5, 1315, No. 35^{ix}]

Virg^a S^s

By his Excellency

Seal

A Proclamation

Whereas by an act of Parliament made in y^e third & fourth year of y^e Reign of our Sovereigne Lady the Queen that now is Intituled an act for y^e Encourageing of y^e importation of Navall Stores for her Majestys plantations in America it is Enacted that every person or persons that shall within y^e time appointed by y^e said act import or Cause to be imported into y^e kingdome of England directly from any of her Majestys English Colonys or plantations in America any ship or Ships that may lawfully trade to her Majestys plantations manned as by law is required any of y^e navall Stores hereafter mentioned shall have & Enjoy as a reward or premium for such importation after & according to y^e severall rates for such Navall Stores as follows (viz^t) For good & merchantable tare [tar] per ton Containing Eight Barrells & Each Barrell to gage thirty one gallons & an half, four pounds—

For good & merchantable pitch per ton Each Ton Containing twenty gross hundreds (net Pitch) to be brought in Eight Barrells four pounds—

For good & merchantable Rozin or Turpentine per Ton Each Ton Containing twenty gross hundreds (net Rozin or Turpentine) to be brought in Eight Barrells, three pounds—

For hemp, water rotted bright & clean per Ton Each Ton Containing twenty Gross hundreds, six pounds—

For all masts Yards & Bowsprights per Ton allowing forty foot to Each Ton girt measure according to y^e Customary way of Measuring round Bodies one pound—

Which severall rewards or premiums for Each species aforementioned shall be paid & answered by y^e Commissioners or principall Officers of her Majestys navy who are hereby Impowred & required to make out bill or bills to be paid in Course for y^e same upon Certificate of y^e respective Cheif Officer or Officers of y^e Customes in any port of this Kingdome where such navall stores shall be imported as aforesaid such bill or bills to be made out & given to y^e person or persons importing y^e same as aforesaid within twenty days after y^e discharge or unlading of the ship or Vessel Ships or Vessells in which such stores shall be imported upon a Certificate or Certificates to be produced to the Chief Officer or officers of y^e Customes w^{ch} Certificate or Certificates shall be under y^e hand & seale of y^e Governour Lt Govern^r Collector of her Majestys Customes & Navall Officers or any two of them resideing & being with any of her Majestys Colonys or plantations that before y^e departure of such Ship or Vessel Ships or Vessells y^e person or persons merchant Trader or factor Loading y^e same had made oath before them that y^e said Navall Stores so shipt on board were truly & *bona fide* of y^e growth & produce of her Majestys said Colonys & plantations (w^{ch} oath y^e said Govern^r Lt Govern^r Collector of her Majestys Customs & Navall Officer or any two of them are heartily authorized to administer) as likewise, upon oath to be made within any port in England, by y^e master or masters of such Ship or Vessel, Ships or Vessells, importing such Navall Stores that y^e same were truly laden on board such Ship or Vessel, Ships or Vessells, within some of her Majestys Colonys & plantations in america, & that he or they know or believe, that y^e said Naval Stores were y^e produce of y^e said Colonys or plantations Provided always that y^e reward or premium hereby granted shall not be allowed or paid for y^e importation of such masts Yards Bowsprights or other Navall Stores as are already Contracted for by y^e Commissioners of her Majesty Navy—And to y^e end a perticular benefitt may accrue hereby to her Majestys Royall Navy & for y^e better supply of y^e same with navall Stores be it further Enacted that upon y^e importing of any navall Stores from her Majestys said Colonys & plantations for w^{ch} a reward or premium is hereby granted y^e pre-emption or refusall of such Navall Stores shall be offered & tendered to y^e Commission^{rs} of her Majestys Navy upon Landing y^e same & if within y^e terme of twenty days after such tender y^e s^d Commission^{rs} shall not Contract or bargain for y^e same it shall & may be lawfull for y^e importer or Importors owner or owners of y^e said Navall Stores otherwayes to dispose of y^e same for his or their best profit & advantage—

Provided always that y^e importation of all such Naval Stores for which a reward or præmium is granted by this act be subject to y^e same regulations restrictions and limitations in reference to y^e shipping & navigating thereof & such security shall be given for y^e importing y^e same into England & subject to such penaltys & forfeitures as y^e importation of Sugar Tobacco Cotton wooll Indi o

Ginger fustick & other dying wood from her Majestys Colonys & plantations in america are subject unto—

Provided also—that y^e severall directions & Provisions in this act shall Commence & take Effect from y^e first day of January which shall be in y^e year of our lord one thousand seaven hundred & five & shall Continue & be in force from thence forward for y^e space of nine years & no longer—

I do therefore hereby with & by y^e advise of her Maj^{ty}s Councill of State publish y^e said act requiring all her Majestys good & faithfull subjects to take notice of y^e same likewise desiring all her Maj^{ty}s faithfull & Loyall subjects to lay hold of such her Majestys Bounty as in y^e said act is Expressed & as far as in their power Lyes to Encourage so beneficial a Commerce both to England & this Colony And I do hereby with and by y^e advice of her Majestys Councill of State strictly require and Charge all Exporters of any of y^es commodities from this Colony to make such oath before such persons as in y^e said act is required and also Charge & Comand y^e Sheriffs of y^e severall Countys to Cause this my proclamation to be read & published in all Churches Chappells & Courthouses within their respective Countys. Given under my hand & y^e seale of her Majestys Colony & Dominion of Virg^a at her Royall Capitoll y^e 28th day of November in y^e fourth year of her Majestys Reign *Annoq Dom* 1705
Edw: Nott

God Save the Queen

Virg^a S^s

[C. O. 5, 1315, No. 35^xi]

By his Excellency

Seal

A Proclamation

Her most sacred Majesty most devoutly & thankfully acknowledging the great goodness & mercy of almighty God who has Continued to her Majesty his protection & assistance in the Just war in which for the Comon safety of her Majestys Realms & for disappointing the boundless ambition of France her Majesty is now engaged & have given to her Majestys armes in Conjunction with her allies under y^e Command of Jn^o Duke of Malborough Cap^{tn} Generall of her Majestys land forces after their having forced the French lines in y^e spanish Netherlands A Signall & Glorious Victory over her Majestys Enemies & her Majesty duely Considering that such great & publick blessings call for publick and Solemn acknowledgments thought fitt by y^e advice of her privy Councill to issue out her Royall Proclamation thereby appointing & Comanding that a Gen^{ll} thanksgiving to almighty God for those his mercys should be observed throughout her Majestys Kingdome of England Dominion of wales & town of Berwick upon tweed And her Majesty having given Comands that y^e like acknowledgments should be offered in this her Majestys Colony & Dominion—

Therefore I Edward Nott Esq^r her Majestys Leiu^t Govern^r Gn^{ll} of Virginia by y^e advice of her Majestys Councill of State issue out this proclamation hereby appointing & Comanding that a Gen^{ll}

thanksgiving to almighty God for those his mercys be observed through this her Majestys Colony & Dominion on y^e 23^d Day of April next & that y^e ministers of every parish perform publick prayers & preach sermons in their Churches suitable to y^e solemnity of y^e Day & where there is no minister that publick prayers be read by y^e Clerk or reader And I do hereby in her Majestys name strictly Charge & Command that y^e publick day of thanksgiving be religiously observed by all her Majestys Loving Subjects as they tender y^e favour of almighty God & upon pain of suffering such punishments as may be justly inflicted on all such as shall Contemn or neglect y^e performances of so religious & necessary Duty hereby requiring & Comanding y^e sherrifs of y^e severall Countys to Cause this my proclamation to be read in all Churches, Chappells & Courthouses within their respective Balywicks. Given under my hand & y^e seale of y^e colony at y^e City of W^{ms}burgh this 27th day of February in y^e fifth year of y^e Reigne of our Sovereigne Lady Anne by y^e Grace of God of England Scotland France & Ireland Queen Defender of y^e faith &c
Annoq Dom 1705/6

A Proclamation for a Public
and Solemn Thanksgiving

Edw: Nott
God save the Queen

[C. O. 5, 1315, No. 35^{ix}]

Virg^a S^c

By his Excellency

Seal

A Proclamation

Whereas I have received advice from y^e West Indies of y^e Spoils & Depredations Committed by y^e French on y^e Islands of S^t Christophers and nevis & taking into Consideration y^e danger that threatens her Majestys other plantations from y^e power of y^e French fleets & land forces in those parts if they should make a décent on y^e Continent I have therefore thought fitt by & with advice & Consent of her Majestys Councill of State to Comand & require & I do hereby command & require all masters of Ships & Vessells within this Colony that they do not on any account whatsoever fire or Cause to be fired any Guns on board of their Ships or Vessells for fear of occasioning false alarums to y^e Country And I do likewise strictly Charge Command & require all masters of Sloops, Shallops flats & boats or any other Vessells upon y^e first notice of y^e approach of an Enemy to carry their said Sloops shallops flats boats & Vessells as far up y^e respective rivers or Creeks where they Lye as possibly they can goe for y^e better preserving them from being surprised by y^e Enemy & further that all pilots do upon their perill on y^e first notice of y^e approach of y^e Enemy gett on board her Majestys Ship y^e woolwich if possible or else such of them as live on James River to make the best of their way to James Town & all pilots living on York River to York Town & all other pilots to goe up y^e respective Rivers they live to y^e best place of security so that they may not be taken & made use of by y^e Enemy And I do hereby further strictly Charge Comand & require y^e Coll^{es} & Comanders in Cheif of y^e militia of every County or y^e Cheif Officer of y^e militia residing

in Each County forthwith upon y^e Publishing of this proclamation to give notice to y^e respective Troops & Comanders under their Comand to be ready upon y^e first alarum of y^e enemy to meet at a Certain place in Each County to be appointed by y^e said Cheif Officer & afterwards to proceed for y^e repulsing of y^e Enemy according as y^e Cheif Officer shall direct and I do also Comand & require all persons serveing in y^e militia to be ready with armes ammunition & provision to march for y^e Defence of y^e Country Lastly I strictly Charge Comand & require all persons Living near the sea Bay or River (where the greatest danger is like to be) to have their best Effects stocks Corn & other provisions in such a readiness as they may be carryed up into y^e Country out of y^e reach of y^e enemy if they should land And I do hereby strictly enjoyn Command & require all her Majestys loving Subjects to take notice of & observe all y^e abovesaid perticulars in y^e above mentioned proclamation as they will answer y^e same at their perills requireing y^e sherriffs of y^e respective Countys to Cause this proclamation to be published in all Churches & Chappells & in y^e Courthouses of their respective Countys Given under my hand & y^e seale of y^e Colony this 10th Day of May 1706 in y^e fifth year of her Majestys Reign—

Edw: Nott

A Proclamation for the better
Securing y^e Ships &c

God Save the Queen

[C. O. 5, 1315, No. 35^{xii}]

Virginia S^{et}

By his Excellency

Seal

A Proclamation

Whereas y^e Generall Assembly begun at her Majesty Queen Anns Royall Capitol the 23^d day of October 1705 & continued by adjournment to y^e 24th day of April 1706 & prorogued to y^e fourth day of September next And whereas upon advice in Councill it is found most Convenient for her Majestys & this Colonys service that y^e s^d Assembly be prorogued untill further time—

Therefore I Edward Nott Esq^r her Majestys Leiut^t & Govern^r Gen^{ll} of Virginia by virtue of the power & authority to me given by her Majestys letters patents under y^e great Seale of England bearing Date at Westminster y^e 25th day of Aprill in y^e fourth year of her Majestys Reigne do by this proclamation in her Majestys name publish & Declare that I do prorogue y^e said Assembly and it is hereby prorogued to y^e 23^d day of Aprill next at w^{ch} time I do hereby require every respective member thereof that they faile not in giving their attendance accordingly. Given under my hand & y^e seale of y^e Colony this 8th day of august in y^e fifth year of her Majestys Reigne *Annoq Dom 1706—*

A Proclamation proroguing the
Generall Assembly

Edw: Nott

God Save the Queen

[C. O. 5, 1315, No. 35^{xiii}]Virg^a S^{et}By the Hon^{ble} the President and CouncillA Proclamation for [Contin]ueing of Publick Officers in
Execution of the Part[icular] Trusts and Offices—

Whereas Her Sacred Majesty by her Commission under the great Seale of England [bearing] date at Westminster the 25th Day of Aprill in the fourth year of her Reign (directed to Edward Nott Esq^r) [a]mongst other things has been graciously Pleased to appoint and declare that in Case of the death or absence [from] the s^d Colony of the s^d Edw^d Nott & there being no Person upon the Place Commissionated or appointed by h[er Maj^{ty}] to be L^t Gov^r or Comand^r in Cheif the then Present Councill of Virg^a shall take upon them the admin[istration] of the Governm^t & Execute y^e s^d Commission and the Severall Powers and authorities therein Contained and the [cheif] Councillor who shall be at the time of such death or absence residing within this Colony and D[om] of Vir[g]^a and Nominated by her Maj^{ty}s instructions to him the s^d Edward Nott. before any other at that [time bei]ng here do preside in the s^d Councill with such powers and Preheminences as may be necessary in those [Circums]tances for the due and orderly carrying on the Publick Service in the administration of the Governm^t as a[fores]^d untill] her Maj^{ty}s Pleasure be further known and Whereas by the unhappy death of the s^d Edward Nott the ad[ministra]tion of this Governm^t (There being no L^t Gov^r or Commander in Cheif resideing at Present in this Colony) B[y] Commi[ssion] is devolved upon the Councill of Virginia—

To the end therefore that the Peace of this her Maj^{ty}s dominion may be [the better] Secured and all Proceedings at Law Continued and that the ordinary course of Justice may not be interrupted [We] the President and Councill met in Councill do hereby Published and Declare that all Magistrates and officers both [civil a]nd military do Continue and Remain in all and Singular their Powers authorities and Jurisdictions untill [further] order be taken therein thereby Requireing them to proceed in the Execution of their Severall duties and all he[r Maj]^{ty}s Subjects within this Colony are hereby Comanded to be aiding and assisting to them therein and to yield all [due obedience] to this Proclamation Given under our hands and the Seale of the Colony at her Maj^{ty}s Royall Cap[it]ol t[h]is 27th Day of August 1706 in the fifth year of her Maj^{ty}s Reigne

[E] Jenings Presid^t
Dudley Diggs
[Benj]^a Harrison
[Rob]ert Carter
[Jam]es Blair
[P]hill: Ludwell
[W^m] Bassett
Henry Duke

[C. O. 5, 1316, No. 41ⁱⁱ or fo.123]

Virginia S^s

By the Hono^{ble} the President

A Proclamation

Whereas an act of Assembly made in y^e year 1705 Intituled an act for raiseing a publick Revenue &c^a hath been transmitted to Her majesty for Her Royal Approbation or disallowance thereof which said law haveing been perused and well considered by the Lords Comissioners of Trade & Plantations and presented by their Lordships to Her Majesty in Councill with their humble opinion that the said act be repealed Her majesty haveing the 25 day of January 1707 taken the same into consideration is Graciously pleased with the advice of Her Privy Councill to declare Her disallowance & disapprobation of the said act And pursuant to Her Maj^{ts} Royal pleasure thereupon the said act is repealed and declared voyd and of none effect Wherefore I Edmund Jenings Esq^r President &c by and with the advice of Her maj^{ts} Councill Doe hereby in Her maj^{ts} name require and Command all Sheriffs within this Her Maj^{ts} Colony to publish at the Courthouses of their respective Countys this Her Maj^{ts} Royall will and pleasure that the said act is null and voyd and of none effect of which all Her maj^{ts} Subjects within this Her Colony & Dominion are to take notice Given at the Capitol under my hand and the Seale of Her Colony the 22^d day of June 1708 in the Seventh yeare of Her Maj^{ts} Reign

E Jenings

A Proclamation declaring the act for
raiseing a publick Revenue &c
null & voyd

God Save the Queen

Virginia S^s

By the Hono^{ble} Edm^d Jenings Esq^r President of the
Councill of Her Maj^{ts} Colony & Dominion
of Virginia

Whereas the King & great men of the Saponies have in behalf of themselves and the s^d Nation petitioned to be received as Tributarys and have the protection of this Government

Therefore I the s^d Edm^d Jenings Esq^r President with the advice of Her Maj^{ts} Councill Doe hereby make known that the said Nation of Saponies are received into the Protection of this Government and are to be accounted as Tributaries. Of which I doe hereby require all Her Maj^{ts} Subjects to take Notice and to treat the said Indians civilly and to permitt them quietly and peacably to possess and Enjoy the land where they are now Seated untill further provision be made for them Given under my hand and the Seale of the Colony this 30th day of July 1708 in the seventh yeare of Her Maj^{ts} Reign

E Jenings

[C. O. 5, 1316, No. 41ⁱⁱ cont^d or fo. 123]

Virginia S^s

By the Hono^{ble} the President

A Proclamation

Whereas Her Majesty has been graciously pleased to give Her Royall approbation and assent to an act of Assembly of this Colony Entituled an act for Improving the Staple of Tobacco and regulateing the size and Tare of Tobacco hogsheads

I therefore do hereby Notifie the same and do strictly charge and require all magistrates and Officers to be carefull and diligent in putting in Execution the said law against the offenders of any article or clause in the said law contained Given under my hand & the seale of the Colony this 26th day of October 1708, in the seventh yeare of Her Maj^{ty}s Reign

E Jenings

A Proclamation Notifying Her Maj^{ty}s
Assent to an act of Assembly

VirginiaS^s

By the Hono^{ble} President

A Proclamation

Whereas there hath lately issued a Proclamation strictly Prohibiting all trade traffick or commerce with the Tuscaruro Indians, The which Proclamation by meanes of Severall Tributary Indians (in amity with Her Majesty) tradeing & holding Correspondence with the said Tuscaruro's had not it's designed effect

I Edmund Jenings Esq^r President of Her Maj^{ty}s Councill of State therefore and for diverse other Important reasons of State by and with the advice and consent of Her Maj^{ty}s Councill Doe strictly prohibit all trade and commerce with the said Tuscaruro Indians The Nottoway Indians, the Maherine Indians or any other Indians whatsoever liveing to the Southward of James river And I do hereby Command and require all persons whatsoever as well Her Maj^{ty}s Subjects as all Tributary Indians to forbear all or any trade or commerce or to have any dealeings with y^e s^d Tuscaruro, Nottoway Maherine or any other Indians whatsoever liveing to the Southward of James river, untill further publick Notice be given thereof under pain of Her maj^{ty}s highest displeasure & as they will answer the contrary at their perill Given under my hand & the Seale of the Colony this 26th day of October 1708, in the seventh year of Her Maj^{ty}s Reign

E Jenings

A Proclamation Prohibiting
trade with the Indians

God Save the Queen

Virginia S^sBy the Hono^{ble} the President

A Proclamation

Whereas I have received Her Maj^{ty}s Commands for publication of two acts of Parliament passed in the 6th & 7th years of Her Maj^{ty}s Reign The one entituled an act for ascertaineing the rates of forreign Coins in Her maj^{ty}s Plantations in America. The other Entituled an act for the encouragement of the trade to America. Pursuant therefore to Her majesties s^d commands I have by and with the advice and consent of Her maj^{ty}s Hono^{ble} Councill of State thought fit to issue forth this Proclamation Hereby Strictly chargeing and commanding all & every of the Sheriffs of the respective Countys of this Her maj^{ty}s Colony of Virginia openly to Proclaim and Publish the s^d acts at the Courthouse of their respective Countys on the next Court day after the receipt thereof. And for the more generall notification and due observance of y^e s^d two acts of Parliament I doe hereby require the Magistrates of each County of this Colony to cause the copies of y^e s^d two acts of Parliament (herewith sent) to be lodged with the copy of the acts of Assembly of this Colony remaining in the office of their respective County Courts And all Her maj^{ty}s subjects are strictly required to give all due obedience to the s^d two acts of Parliament as they will answer the contrary at their perill Given under my hand and the seale of the Colony at Williamsburgh this 10th day of February 1708 [1708/9], in the seventh year of Her maj^{ty}s Reign

E Jenings

A Proclamation for publishing
two acts of Parliament

God Save the Queen

Virginia S^sBy the Hono^{ble} the President

A Proclamation

Being deeply Sensible of the just Judgments of Almighty God Impendant over this Colony and Dominion not only in permitting the Common Enemie to infest our Coasts & Harbours, but more especially in afflicting us with a dangerous pestilentiall distemper which has already swept away great numbers of the Inhabitants of the Eastern Shore and is now lately spread and continues to rage in some parts of the western Shore of this Countrey to the great terror and consternation of all. And being desirous that a time of such publick Judgments may be improved to a publick humiliation and repentance thereby to procure the pardon of our sins and the removall of those nationall Judgments I Edmund Jenings Esq^r President of the Councill of this Her Maj^{ty}s Colony and Dominion of Virginia have thought fit by advice and consent of Her Maj^{ty}s s^d Councill to appoint and accordingly by these presents I doe Command and appoint that Wednesday the 18th day of May next ensueing be set apart & Solemnly

observed throughout this Colony as a day of fasting & humiliation for imploreing the pardon of Almighty God for our Sins and his protection against our Enemies and the removall of y^e s^d Contageous distemper and the preventing of all other Judgments Spirituall and temporall which we have deserved. For the due celebration of which fast all ministers are hereby required to take care that there be publick prayers & Sermons Suitable to the occasion at the principall Churches of their respective parishes and all the people are hereby injoynd to assist at the s^d Devotions with all Seriousness and Sincerity as they will answer the Contempt to Almighty God and under pain of incurring such penalties as may justly be inflicted on them for their Neglect of so Religious a Duty. And for the better promoteing the ends of such a Solemn humiliation all Magistrates Church-wardens Grandjury men and others to whose office it belongs are strictly required in their severall Stations to take a speciall care that the laws against drunkenness, Cursing, Swearing, whoredom and all other prophaness and immoralities be duely put in Execution that by a Generall Repentance and amendment of life God Almighty may be prevailed with to pardon our crying Sins to save us from all dangers and to bless us with all Spirituall and temporall blessings And I doe command and require the Sheriffs of the respective Countys to cause this Proclamation to be published in the Churches Chappells and Courthouses in their said respective Counties Given under my hand and the Seale of the Colony at Williamsburgh this 15th day of April 1709 in the eighth yeare of Her Maj^{ty}s Reign

E Jenings

A Proclamation for a publick fast
God Save the Queen

Virginia S^s

By the Hono^{ble} the President

A Proclamation

Whereas upon the advices received of the designes of diverse French Privateers fitted out in the west Indies to infest the Coasts of this Her Maj^{ty}s Colony and Dominion It hath been judged necessary for Her Maj^{ty}s Service to fitt the Brigantine Sea flower mounted with ten guns and intended to be man'd with eighty men including Officers as a private man of warr for the protection of y^e trade and Inhabitants of this Her Majesties Colony untill Her Maj^{ty}s Shippes of warr arrive for the Guard of the same. For the Encouragemen of all Seamen and able bodyed land-men voluntarily to engage & list themselves in the said Service I Edmund Jenings Esq^r President of the Councill of this Her Maj^{ty}s Colony & Dominion of Virginia Doe by Advice of Her s^d Councill hereby publish and make known that every such Seaman or able bodyed land-man Serveing on board the said Brigantine shall have and receive in ready mony the Sum of thirty shillings per month to be paid them at the discharge of the said Vessell from the Service. And that I have also given directions that the same or greater allowance of good wholsom victualls be given

the company on board the s^d Brigantine as is allowed to the Seamen employed in Her Maj^{ty}s Ships of war, and in case any Seaman or other person shipped in the s^d Service shall fall sick & cannot be recovered by the surgeon on board I have also taken care that they be put on shore and that good lodgeing and all other Necessaries be allowed them dureing their sickness at the charge of the Government and I doe by the advice aforesaid hereby publish and declare that if any man shipped on board y^e s^d Brigantine dureing this Service shall be wounded maimed or disabled every such person shall have & receive the like bounty mony and pension as is allowed in Her Maj^{ty}s Navy. And I doe further make known that by a late act of Parliament passed in the Parliament of Great Britain It is Enacted that the proceed of all prizes taken by Her Maj^{ty}s subjects shall belong entirely to the Captors and be distributed among the officers & Seamen as by Her Maj^{ty}s Proclamation issued in that behalf is directed And also that there shall be paid by Her majesty five pounds Sterling for every person that shall be alive on board such prizeship at the begining of the Engagement to be divided amongst the Officers & Seamen Captors as aforesaid, which will be a further Encouragement for y^e s^d Seamen chearfully to engage in this Service hereby Commanding the Sheriffs of the respective Countys of this Colony to cause this Proclamation to be forthwith published in the Churches Chappells & Courthouses of their respective Countys that all such as are inclined to Serve Her Majesty and the Country may know the encouragements they are to have and may repair on board the s^d Brigantine at Kiquotan Given under my hand and the Seale of the Colony at Williamsburgh this 15th day of Aprill 1709 in the eighth yeare of Her Maj^{ty}s Reign

E Jenings

A Proclamation for encouragem^t
of Seamen &c to Serve on
board the Sea flower

God Save the Queen

Virginia S^s

By the Hono^{ble} President

A Proclamation

Whereas I have received Information that some of the Seamen belonging to Her Maj^{ty}s Ship South Sea Castle Commanded by Cap^t Roberts Commodore of the Virginia fleet have endeavoured to make their escape and it being probable that the like attempts may be made by those Seamen that are put on Shore for recovery of their health out of the aforesaid Ship and also out of Her Maj^{ty}s Ship the Garland appointed for the Guard of this Colony. For preventing whereof I Edmund Jenings Esq^r President of Her Maj^{ty}s Councill of this Her Colony and Dominion of Virginia by and with the advice of Her Maj^{ty}s said Councill of State have thought fit to issue this Proclamation in Her Maj^{ty}s name strictly to prohibit and forbidd all persons whatsoever to harbour or conceale any Seamen that shall

desert Her Maj^{ts} Service but to Seize and apprehend all such Seamen as they shall find Stragling about the Country and to carry them and every of them before ye next Magistrate who is hereby Comanded and required forthwith to cause them to be conveyed (from Constable to Constable) untill they be put on board one of Her Maj^{ts} Ships at Point Comfort And I doe hereby require all magistrates and other officers to be very deligent in discovering every person that shall be concerned in harbouring or conveying away any Seamen to the end they may be exemplarily punished. And I doe appoint this Proclamation to be published by the Sheriffs in the Churches Chappells & Courthouses of their respective Countys Given under my hand and the Seale of the Colony at Williamsburgh the 21st of June 1709 in the eighth yeare of Her Maj^{ts} Reign

E Jenings

God Save the Queen

Virginia S^s

By the Hono^{ble} President

A Proclamation

Whereas through the long continuance of dry & unseasonable weather this Summer there appears to be very small crops of Indian Corne wheat & other grain whereby this Her Maj^{ts} Colony is in danger to be reduced to great want and scarcity if timely care be not taken to prevent the exportation of such grain.

Therefore I Edmund Jenings Esq^r President of the Councill of Her Maj^{ts} Colony & Dominion of Virginia by advice of her Maj^{ts} said Councill Doe by this Proclamation in Her Maj^{ts} name Strictly charge and require all persons whatsoever within this Her Maj^{ts} Colony that from and after the Publication hereof they doe not Sell or barter away or Ship or lade on board any Vessell in order to Exportation any wheat Indian Corne Pease or any other Sort of grain or flower or Meal made of the Same as they will answer the contrary at their Perrill And for the more effectual preventing such Exportation I doe hereby Strictly charge and Command all Collectors and Navall Officers within this Colony that they doe not grant permitts to load on board any Ship or Vessell for Exportation any wheat Indian Corne Pease or other grain or flower or meale made of the same except so much as shall appear to be absolutely Necessary for the subsistance of the Ships Company dureing the intended voyage. And in case any greater quantity of Such grain or flower be contrary to the directions aforesaid Ship'd on board any Ship or Vessell the s^d Collectors and Navall officers are hereby Strictly enjoyned not to clear any such Ship or Vessell but to make seizure of the s^d grain flower or meale so ship'd as aforesaid And I doe appoint this Proclamation to be published in all Churches Chappells and Courthouses within this Colony Given under my hand & the Seale of the Colony this 12th day of September 1709 in the eighth year of Her Maj^{ts} Reign

E Jenings

A Proclamation Prohibiting
y^e Exportation of Grain &c

God Save the Queen

[C. O., 5, 1316, No. 54ⁱ or fo. 166]Virg^a SetBy the Hon^{ble} the President

A Proclamation

Whereas the Continued Judgm^{ts} of Almighty God in the Extraordinary Sickness & Mortallity now so visible in many parts of this Colony & Dominion Doth Loudly Call for our Utmost Endeavours to promote a Gen^l Repentance and Amendm^t of life Among all Ranks of persons as being the best Meanes to procure the Pardon of our Sins & the Lengthening of our Tranquility

I Edmund Jenings Esq^r President of the Councill of this her Ma^{ties} Colony & Dominion of Virginia have thought fitt by the Advice & Consent of her Ma^{ties} said Councill to appoint and accordingly by these presents I Doe Command & Appoint that Wednesday the Eleventh day of January next Ensueing be set apart & Solemnly observed throughout this Colony as a day of fasting & Humiliation for Imploring Gods pardon of our Sinns & the Removall of the said Contageous Sickness & Distemper and the prevention of all other Judgm^{ts} Spiritual & Temporal w^{ch} wee have most justly Deserved. For the Due Celebration of w^{ch} Fast all Ministers are hereby required to take Care that there be publick prayers & Sermons Suitable to the Occasion at the principall Churches of their respective parishes and all the people are hereby Enjoyned to Assist at the said Devotions with all seriousness & Cincerity as they will Answer the Contempt to Almighty God and under pain of Incurring such penaltys as may Justly be Inflicted on them for their neglect of so Religious a Duty. And for the better promoteing the Ends of such a Solemn Humiliation all Magistrates, Churchwardens, Grandjury men & others to whose office it belongs are Strictly required in their Severall Stations to take Speciall Care that the Laws Agst Drunkenness, Curseing, Swearing, Whooredome, Sabbath breaking & all other prophaneness & Immorality be duely put in Execution that by a Gen^l Repentance & Amendm^t of life God Almighty may be prevailed with to pardon our Crying Sinns to save us from all Danger & to Bless us with all Spiritual & Temporal Blessings. And I Doe Command & require the Sheriffs of the respective Countys to Cause this proclamation to be published in the Churches Chappells & Courthouses in their said respective Countys Given under my hand & the Seal of the Colony at W^{ms}burgh this 8th day of December 1709 in the Eighth Year of her Ma^{ties} Reign

E Jenings

A Proclamation for a
Publick fast

God Save the Queen

Virg^a S^sBy the Hon^{ble} the President

A Proclamation

Whereas by Proclamation bearing Date the 12th day of September 1709 upon Consideration of the Unseasonableness of the Weather & the prospect of Bad Cropps all persons were prohibited to Sell or barter away or to Ship or lade on board in order to Exportation any Wheat Indian Corne, Pease or any other Sort of Grain or flower or Meal made of the Same. And whereas through the Goodness of God in the late Favourable winter Great Quantities of Corne has been saved w^{ch} otherwise must have been Expended for the Stocks of Cattle whereby there Appears to be more of all Sorts of Graine in the Country than is Necessary for the Inhabitants thereof. Therefore I Edmund Jenings Esq^r President of her Ma^{ties} Hon^{ble} Councill of State for this her Colony & Dominion of Virg^a Doe by Advice of her Ma^{ties} said Councill hereby revoke & Declare Void the aforementioned proclamation And Doe hereby Give full Liberty to all persons to Export Wheat Indian Corne pease and all other Sorts of Graine & Flower or meal made of the same in the same manner and as freely in all respects as they might have Done before the Issuing of the s^d proclamation And I Doe appoint this Proclamation to be published in all Churches Chappells & Courthouses within this Colony. Given under my hand & the Seal of the Colony this 9th day of March 1709 [1709/10] in the ninth year of her Ma^{ties} Reign

E Jenings

God Save the Queen

Virg^a S^sBy the Hon^{ble} the President

A Proclamation

Whereas I have received Intelligence of Severall Illegall unusuall and unwarrantable Concourses Meetings & Assemblings together of Negro, Mulatto & Indian Slaves at Quarters where there are noe white or Freeman Overseers and more particularly of a Notorious Insurrection Intended & Contrived at Such Meetings by Severall Slaves in this her Ma^{ties} Colony & Dominion & haveing Caused Sev^l of them to be Apprehended (who have Confessed the fact) the prosecution & punishment of whom I speedily Intend and finding the Tolleration & permission of the Masters Mistresses or Overseers of the said Slaves of going Abroad and remaining absent longer time than the Law Allows has been the Occasion of such Dangerous & Unlawfull Concourses Meetings & Assemblings together and has given the opportunity of Forming of such pernicious Designes & Considering the fatal Consequences of such Illegall Tolleration—

I Edmund Jenings Esq^r president of the Councill of State of this her Ma^{ties} Colony & Dominion of Virginia Doe by & with the Advice & Consent of her Ma^{ties} said Councill Strictly Charge & require all her Ma^{ties} Liege Subjects punctually to observe & keep

all the Articles & Clauses in one Act of Assembly of this Colony Entituled an Act Concerning Servants & Slaves but more Especially the following Clauses in the Said Act mentioned (viz^t) That noe Master Mistress or Overseer of a Family shall knowingly permitt any Slave not belonging to him or her to be & remain upon his or her plantation above four Hours at any one time without the leave of Such Slaves Master Mistress or Overseer on penalty of One Hundred & fifty pounds of Tobacco to the Informer Cognizable by a Justice of the peace of the County wherein Such Offence shall be Committed and also of this other following Clause (viz^t) that no Slave goe Armed with Gun, Sword, Clubb, Staff, or other weapon nor go from off the plantation & Seat of Land where such Slave Shall be Appointed to live without a Certificate of Leave in Writing for soe Doeing from his or her Master Mistress or Overseer and I Doe hereby with the Advice & Consent aforesaid & in her Mat^{ies} Name Publish & Proclaim that whosoever Shall Offend or Act Contrary to the above mentioned Act of Assembly in Gen^l or Shall permitt or Tollerate any Negro Mulatto or Indian Slave to them not belonging to Stay or Abide on his or her plantation longer than the time allotted by the above mentioned act of Assembly after the Date of this proclamation Shall not only Incurr the penalty's by the Said Act required but likewise Shall be prosecuted according to the Strictest Severity & Rigor of the Common Law as such Disobedience requires. And I Doe also Command & require that this proclamation be published in all Churches Chappells & Courthouses within this Colony Given under my hand & the Seal of the Colony at W^{ms}burgh this 21st day of March 1709 [1709/10] in the Ninth Year of her Mat^{ies} Reign

E Jenings

God Save the Queen

Virginia S^s

By the Hon^{ble} the President

A Proclamation

Whereas many of the Seamen belonging to her Mat^{ies} late Ship the Garland who Since the Unfortunate Loss of that Ship were subsisted at Kiquotan on her Mat^{ies} Charge, have Since the Arrival of her Mat^{ies} Sloop the Diamond & on purpose to Avoid Serving her Mat^{ie} on board the said Sloop with drawn them Selves into other parts of this Colony; And it being absolutely Necessary for her Mat^{ies} Service that the Said Sloop be Speedily Mann'd & Enabled to perform the Service to w^{ch} she is appointed I Edmund Jenings Esq^r president of the Councill of this her Mat^{ies} Colony & Dominion Doe by & with the Advice of her Mat^{ies} said Councill of State hereby Strictly Charge & require all & every the Seamen lately belonging to her Mat^{ies} said Ship the Garland that are in any part of this her Mat^{ies} Colony either on Shore or on board any Ship or Vessell forthwith to repair on board her Mat^{ies} said Sloop Diamond at Kiquotan: And I Doe Strictly prohibit and forbid all Masters of Ships or Vessells to hire or Entertain any of the said Seamen untill her Mat^{ies} said Sloop have

first obtained her full complement of Men. And I further require & Command all Magistrates & other Officers Civil & Military to apprehend & Secure all the Seamen that belong to her Ma^{ties} said Ship Garland whom they shall find Stragling about the Country or harboured in any part thereof either on Shipboard or on Shore and to Cause them & every of them to be Conveyed from Sheriff to Sheriff till they be put on board the said Sloop Diamond. And all her Ma^{ties} Subjects are hereby forbid to Conceal any of the said Seamen or to Harbour or Entertain any of them or to Transport them over any Rivers or Creeks (Except such as Shall be returning to Enter in her Ma^{ties} Service on board to said Sloop at Kinquotan. And I Doe appoint this Proclamation to be Published in all Churches Chappells & Courthouses within this Colony Given under my hand & the Seale of the Colony at Williamsburgh the 21st day of March 1709 [1709/10], in the Ninth Year of her Ma^{ties} Reign

E Jenings

A Proclamation to Apprehend
Stragling Seamen late
belonging to the Garland

God Save the Queen

Virg^a S^s

By the Hon^{ble} the President

A Proclamation

Whereas Peter a Negro Slave belonging to M^r Samuel Thomson of Surry County hath been Notoriously Active in Stirring up & abetting the Negro's in that County to Levy Warr Against this her Ma^{ties} Governm^t & being Conscious of his Guilt hath made his Escape and fled from Justice and is Lurking in or about the said County or the County's of James City Prince George or Isle of Wight. To the End therefore that the said Peter may be brought to Condign punishment, I Edward Jenings Esq^r President of the Councill of State of this her Ma^{ties} Colony & Dominion of Virginia by & with the Advice & Consent of her Ma^{ties} said Councill of State Doe hereby require all persons to whose knowledge this present proclamation shall come to use their Utmost Endeavours to take & apprehend the said Negro Peter and if found to Deliver him to the Sheriff of the County where he Shall be Apprehended who is to Cause him to be Conveyed to the Publick Goal at Williamsburgh And I Doe hereby promise as a reward to such person or persons whether Freeman or Slave as shall apprehend the said Peter Alive the Sum of Ten pounds Sterl^s And in Case he resist & will not be taken alive I Do also promise the Sum of five pounds Sterl^s to the person or persons Freeman or Slave who shall kill the said Negro & bring in his head to the Sheriff of the Respective County's which said Rewards shall be paid by her Ma^{ties} Receiver Gen^l to the person Merritting the same. And I Doe appoint this proclamation to be Published in all Churches Chappells & Courthouses within this Colony Given under my hand & the Seale of the Colony at W^ms^burgh this 21st day of Aprill 1710 in the Ninth Year of her Ma^{ties} Reign

E Jenings

God Save the Queen

[C. O. 5, 1316, No. 54ⁱⁱ or fo. 170]Virginia S^sBy the Hon^{ble} the Lieu^t Governor

A Proclamation

Whereas Her most Sacred Majesty hath by Her Royal Commission under Her Signett and Sign Manual bearing date at S^t James's the eighteenth day of February 1709/10 in the eighth year of Her Reign appointed me to be Lieuten^t Governor of this Her Maj^{ty}s Colony and Dominion and to execute and perform all and Singular the powers & authorities contained in Her Maj^{ty}s Commission granted to the R^t Hono^{ble} George Earl of Orkney Her Maj^{ty}s Lieu^t and Governor General of Her maj^{ty}s s^d Colony in case of y^e death or dureing the absence of Her Maj^{ty}s s^d cheif Governor. Now to the end that the Peace of this Her Maj^{ty}s Dominion may be the better Secured and all proceedings at law continued and that the ordinary course of Justice may not be interrupted I have thought fit by and with the advice of Her Maj^{ty}s Councill of this Colony in Her Maj^{ty}s name to publish & declare that all Magistrates and officers both Civil & military doe continue & remain in all and Singular their powers Authorities and Jurisdictions untill further order be taken therein hereby requiring them to proceed in the Execution of their Severall Dutys and all Her Maj^{ty}s Subjects within this Colony are to be aiding and assisting to them therein and to yeild all due obedience to this Proclamation Given under my hand and the Seale of the Colony this 23^d day of June 1710, in the Ninth year of the Reign of our Sovereign Lady Anne by the Grace of God of Great Britain France & Ireland Queen defender of y^e faith &c

A Spotswood

A Proclamation continuëing officers

God Save the Queen

Virginia S^sBy the Hono^{ble} the L^t Governor

A Proclamation

Whereas an act of Assembly made in the year 1705 Intituled an act for Establishing Ports and Towns hath been transmitted to Her majesty for Her Royal approbation or disallowance thereof which said law haveing been perused and well considered by the Lords Comm^{rs} for trade & Plantations and presented by their Lordships to Her majesty in Councill with their humble opinion that the said Act be repealed Her Majesty having the 15th of December 1709 taken the same into consideration is Graciously pleased with the advice of Her privy Councill to declare Her disallowance and disapprobation of the said Act And pursuant to Her maj^{ty}s Royal pleasure thereupon the said Act is repealed and declared voyd and of none effect—

Wherefore I Alexander Spotswood Esq^r Her Maj^{ty}s Lieu^t Governor of Virginia by and with the advice of Her Maj^{ty}s Councill Doe hereby

in Her Maj^{ty}s name require and Command all Sheriffs within this Her Maj^{ty}s Colony to publish at the Courthouses of their respective Countys this Her Maj^{ty}s Royal will and pleasure that the said Act is Null void and of none effect of w^{ch} all Her Maj^{ty}s Subjects within this Her Colony & Dominion are to take Notice Given at the Capitol under my hand and the Seale of the Colony this 6th day of July 1710 in the ninth year of Her Maj^{ty}s Reign

A Spotswood

A Proclamation declareing the
Act for Establishing Ports &
Towns Null & voyd

God Save y^e Queen

Virginia S^s

By the Hono^{ble} the L^t Governor

A Proclamation

Whereas Her majesty out of Her Royal Grace & favour to all Her Subjects of this Her Colony & Dominion hath been pleased by Her Instructions to Signifie unto me Her Royal will and pleasure for preserveing unto them their legal Rights and properties which said Instructions are as followeth Whereas we are above all things desirous that all our Subjects may enjoy their legal Rights & Properties you are to take especiall care that if any person be committed for any Criminal matters (unless for Treason or Felony plainly & especially expressed in the warrant of Commitment) he have free liberty to petition by himselfe or otherwise the cheif Barron or any one of the Judges of the common pleas for a writt of Habeas Corpus which upon such application shall be granted and Served on y^e Provost Marshall Goaler or other officer haveing the Custody of such prisoner or shall be left at the Goal or place where the prisoner is confined and the said Provost Marshall or other officer shall within three days after such Service (on the petitioners paying the fees and charges and giving Security that he will not escape by the way) make return of the writt and prisoner before the Judge who granted out the said writt and there certifie the true cause of the Imprisonm^t and the said Barron or Judge shall discharge such prisoner takeing his Recognizance and Suretys for his appearance at the Court where the offence is Cognizable and certifie the said writt and Recognizance into the Court unless such Offences appear to y^e s^d Barron or Judge notailable by the law of England. And in case the s^d Barron or Judge shall refuse to grant a writt of Habeas Corpus on view of the copy of Commitment or upon oath made of such copy haveing been denied the prisoner or any person requireing y^e same in his behalf or shall delay to discharge y^e prisoner after the granting of such writt the said Barron or Judge shall incurr the forfeiture of his place. You are likewise to declare our pleasure that in case the Provost marshall or other officer shall imprison any person above twelve hours except by a *mittimus* Setting forth the cause thereof he be removed from his said office. And upon the application of any person

wrongfully committed the Barron or Judge shall issue his warrant to the Provost marshal or other Officer to bring the prisoner before him who shall be discharged without Bail or paying fees and the Provost Marshall or other officer refuseing obedience to such warrant Shall be thereupon removed and if the said Barron or Judge denyes his warrant he shall likewise incurr the forfeiture of his place. You shall give directions that no prisoner being Set at large by an Habeas Corpus be recommitted for y^e same Offence but by the Court where he is bound to appear and if any Barron Judge Provost Marshall or other Officer contrary hereunto shall recommit Such person soe bailed or delivered you are to remove him from his place and if the Provost Marshall or other Officer having the Custody of the prisoner Neglects to return the Habeas Corpus or refuses a copy of the Commitment within six hours after demand made by y^e prisoner or any other in his behalf shall likewise incurr the forfeiture of his place. And for the better prevention of long Imprisonments you are to appoint two Courts of Oyer & Terminer to be held yearly viz^t on the Second Tuesday in December and the Second Tuesday in June the Charge whereof to be paid by the publick Treasury of our s^d Colony not exceeding £100 each Session. You are to take care that all prisoners in cases of Treason or felony have the liberty to petition in open Court for their tryalls, that they be Indicted at the first Court of Oyer & Terminer unless it appears upon oath that the witnesses against them could not be produced and that they be tryed the Second Court or discharged. And the Barron or Judge upon motion made the last day of y^e Sessions in open Court is to bail the prisoner or upon the refusall of y^e s^d Barron or Judge and Provost Marshall or other officer to doe their respective Duties herein they shall be removed from their places. Provided allways that no person be discharged out of Prison who stands committed for Debt for any Decree of Chancery or any Legal proceedings of any Court of record And for the preventing any exactions that may be made upon prisoners you are to declare our pleasure that no Barron or Judge shall receive for himself or Clerks for granting a writt of Habeas Corpus more than two shillings six pence and the like Sum for takeing a Recognizance and that the Provost marshal shall not receive more than five shillings for every Commitment one shilling three pence for the bond the prisoner is to Sign one shilling three pence for every copy of a mittimus and one shilling three pence for every mile he bringeth back the prisoner. In obedience to Her maj^{ty}s Commands and to the intent that all Her Subjects may be fully informed how much they owe to Her maj^{ty}s Royal favour for these Her Gracious Concessions I Alexander Spotswood Her Maj^{ty}s L^t Governor of Her Colony and Dominion of Virg^a have thought fit by and with the advice of Her Maj^{ty}s Councill to issue this my Proclamation Hereby Commanding in Her Maj^{ty}s name the Sheriffs of the respective Countys within this Colony to cause this Signification of Her Maj^{ty}s will & pleasure to be openly read and published at the Court houses of their respective Countys at the next Court after the receipt hereof And I doe further with the advice aforesaid require and Command the Justices of the

respective County Courts to cause the same to be Registered in the records of their s^d Countys and to observe these her Maj^{ty}s Commands as they will answer y^e contrary at their perill Given at Williamsburgh under my hand and the Seale of the Colony this Sixth day of July 1710, in the ninth year of Her Maj^{ty}s Reign

A Spotswood

God Save the Queen

Virginia S^s

By the Hono^{ble} the L^t Governor

Whereas notwithstanding the good laws made for preventing the desertion of Seamen from Her Maj^{ty}s Ships of Warr in Her Plantations and more especially the Act made in the Sixth year of Her Maj^{ty}s Reign entituled an act for the encouragement of the trade to America diverse of the Seamen belonging to Her Maj^{ty}s Ships of warr now in this Colony have made their escape from on board y^e s^d Ships & deserted Her Maj^{ty}s Service which they could not be supposed to doe without being encouraged by y^e entertainment they find from the masters of the Merchants Ships or by the assistance of evill disposed persons among the Inhabitants of this Colony, in concealing them and favouring their escape For the prevention of which dangerous practices so much to the prejudice of Her Maj^{ty}s Service and the trade of this Colony by weak'ning the Convoy appointed for its protection. I Alexander Spotswood Esq^r Her Maj^{ty}s L^t Gov^r of the Colony and Dominion of Virginia Doe hereby Strictly prohibit and forbid all masters of Ships or vessells and all others within this Colony to Harbour or entertain any Seaman whatsoever without first examineing & discovering whether such Seaman hath deserted from any of Her Maj^{ty}s Ships of war, under the penalties contained in the aforementioned act of Parliament And of being further prosecuted according to the utmost Severity of the law And I doe likewise require all masters of Ships and officers civil and military and all other persons whatsoever within this Colony to seize apprehend and Secure all Seamen that they shall find Stragling without the Country not haveing a permission from under the hand of the Commander of the Ship to which they belong or that cannot give a good account of themselves & their business and to cause such Seamen to be conveyed on board Her Maj^{ty}s Ships of warr at Kiquotan as they will answer the Neglect thereof at their perill And for y^e better detecting & punishing all persons that shall harbour entertain or conceale any runaway Seaman or shall be aiding & assisting to them in making their escape I doe hereby promise a reward of five pounds Sterling to any one that shall discover any person offending in the premisses and shall inform Her Maj^{ty}s Attorney Generall thereof so as the s^d offenders may be brought to tryal which reward shall be paid to the informer immediately upon the tryal and conviction of such offender out of Her Maj^{ty}s Revenues of this Colony And I doe require the Sheriffs of the respective Countys to cause these presents to be published in all Churches Chappells and Courthouses within this Colony. Given under my hand & the Seale of the Colony

at Williamsburgh this 27th day of July 1710 in the ninth year of Her Maj^{ties} Reign

A Spotswood

A Precept prohibiting the
Entertainment of Runaway
Seamen and for apprehend-
ing them &c

[C. O. 5, 1316, No. 61ⁱ or fo. 208]

Virginia S^s

By the Hon^{ble} the L^t Governor

A Proclamation declaring her Maj^{ties} Pleasure Concerning y^e
Granting of Land—

Seal

Whereas many abuses have heretofore been practiced in the Granting of Land in this Colony & Dominion Whereby Diverse persons have possessed themselves of Great Tracts which they Never Intended or were able to Cultivate to the Prejudice & Exclusion of many of her Maj^{ties} Industrious Subjects who would Otherwise have taken up & Cultivated the same and to the Manifest Discouragem^t of the Subjects of her Maj^{ties} other Dominions to Transport themselves for the Improvement & benefitt of y^e Country For Remedying of which Abuses and to the End that the Industrious Poor of this Colony & others who Shall Come to Dwell here may not want Land whereon to Imploy their Industry whilst others possess more than they are able to Cultivate Her Maj^{ties} out of her Royall Care for the Good & prosperity of all her Subjects and for the Advancem^t & Improvem^t of this her Colony hath thought fitt to Limitt and Restraine the Granting of Lands for the future in the Manner Directed by her Maj^{ties} Instructions which are in the Words following

“Whereas it hath been Represented unto us by the President
“and Councill of our said Colony that the Method of Granting of
“Lands as Directed by our Instructions to Rob^t Hunter Esq^r bearing
“Date at our Court at St James’s the 30th of Aprill 1707 is not agree-
“able to the Laws Constitution and practice of our said Colony Our
“will and pleasure therefore is that for the future the Method of
“Granting Lands be in such form & Manner and under the like Con-
“ditions Covenants and Reservation of Quitt Rents as are by the
“Charter and Laws of that our Colony allowed and Directed to be
“made before the Instruction to Robert Hunter aforesaid Provided
“due Care be taken that in all Such Grants hereafter to be made
“Regard be had to the Profittable and Unprofitable Acres & par-
“ticularly that every Patentee be Obligated in y^e best & most Effectual
“Manner to Cultivate & Improve Three Acres part of every fifty
“Acres so Granted within the Term of Three Yeares after the Passing
“of Such Grant and in Case of failure thereof such Grant or Grants
“to be Void & of none Effect

In pursuance therefore of her Maj^{ties} Royall Commands I Alex-
ander Spotswood Esq^r her Maj^{ties} Lieut Governor of this her Colony

and Dominion do by this proclamation Publish & Declare that all her Maj^{ties} Subjects who have heretofore Entred for and Surveyed any Tract or parcell of Land within this Colony and have not yet Obtained patents for the Same Shall have their Pattents passed upon the Conditions Mentioned in her Maj^{ties} said Instructions

And for as much as Diverse persons did make Entrys & Surveys of Lands before her Maj^{ties} pleasure for Restraining y^e Granting of Land was Publickly known here; I doe further Publish & Declare that in Case any person who hath Entred for & Surveyed any Land before the Death of Coll^o Edward Nott her Maj^{ties} late Governor of this Collony Shall be Unwilling to take out Patents for the same on the Terms & Conditions above Specified the said Lands Shall not be Granted to any other person whatsoever untill her Maj^{tie} shall Signifye her Royal pleasure whether the same Shall be Granted to them upon the Terms & Conditions on w^{ch} Lands were Granted at & before the time the Said Entrys and Surveys were made And to the End that boundless desire of takeing up Land Above the Capacity of the taker up to Plant & Cultivate may be restrained for the future I doe in pursuance of her Maj^{ties} Royall Commands Strictly Prohibit and forbid her Maj^{ties} Receiver Generall to Grant a Certificate of Rights to any person whatsoever for above the Quantity of four hundred Acres untill upon my being Informed of the Ability of the person desireing such Rights I shall with the Advice of the Councill Give Order for his haveing a Greater Quantity And Whereas in & by her Maj^{ties} said Instructions it is Directed that in all Grants hereafter to be made Regard be had to the profitable & unprofitable acres for the better answering the true Intent of the Said Instructions I do hereby require and Command the Severall Surveyors within this Colony in all future Surveys to be made by them that they lay out the Severall Tracts desired in Such Manner as the Breadth may bear y^e proportion of one Third part at least to the Length unless hindered by Rivers Creeks impassable Swamps or the bounds of any other Lands theretofore taken up and that they take the Land as it Naturally falls within the said bounds without leaving any part by reason of its being less Valueable than the rest of the Tract And that I may the better Judge whether the said Surveyors have done their Duty and followed the Directions herein Sett Down I doe hereby require them & every of them at the same time they returne to the Secretary's Office the Surveys upon w^{ch} Patents are to Issue that they also return to the said office a Plan of the Severall Tracts so laid out by them And Whereas the takeing up of New Land in Diverse parts of this Colony hath heretofore been prohibited I doe hereby Publish and Declare that on & after the Severall Court dayes appointed by Law to be held in the Respective Countyes for the Month of February all her Maj^{ties} Subjects Shall have free Liberty to make their Entrys for any Lands held of her Maj^{tie} in any part of this Colony & not Entred for before the Said prohibition and Shall have patents Granted them for the Same upon the Conditions above mentioned And for preventing any Undue preference that may be Given by Surveyors to particular

persons I doe hereby require them & every of them that they receive no Entrys for any Lands before y^e s^d Respective Court dayes & that then they attend & receive the Entrys that Shall be Offered to be made for Lands in the said respective Countys at the Courthouses of the Same Countys that all her Maj^{ties} Subjects may have Equall priviledge of makeing their Entry's Provided that no person Shall have Liberty to Enter for any Land lying within the bounds in Dispute between this Colony & Carolina and more Especially that no Lands be Admitted to be taken up between the Rivers of Nottoway & Maherine within Ten Miles of the Mouthes of the said Rivers untill the bounds & Limitts of the Nansemond and Maherine Indians be Ascertained According to the Articles of peace And I doe hereby require the Sheriffs of the Sev^{ll} Countyes to Cause this Proclamation to be Published at the Courthouses Churches & Chappells of their Respective County's Given under my hand and the Seal of the Colony at W^ms^burgh this Eight day of December 1710 in the Ninth Year of her Maj^{ties} Reign—

A Spotswood

Virginia S^a

By her Maj^{ties} Lieut Governor &
Commander in Cheif of this Dominion

A Proclamation for a Fast

Whereas the hand of Almighty God Chastiseing us for our Sins has now of a long time Appeared to be Stretched out against the Inhabitants of this Colony & Dominion in permitting a Dangerous Epedemick Distemper to Spread it Self all over the Country which has proved Mortall to a Great Number of persons of all Ranks and loudly Calls for the Continuance and Increase of our Humiliation & Repentance together with our most Serious & hearty Endeavours after a Gen^{ll} Reformation of Manners and Amendment of Life. I have therefore thought fitt to Appoint and do accordingly hereby appoint that Tuesday the 30th of January being the Day Sett apart by Publick Authority for Commemorating the Martyrdome of King Charles the first be more Particularly kept & observed as a day of fasting & Humiliation not only for Imploring the Mercy of Almighty God with Relation to that Sacred & Innocent Blood Shed as on that day by a Cruel & Treacherous faction of men in our Mother Kingdome of England but also with Relation to our own Sins and that God Almighty may be pleased to cease this Greivous Sickness which now Rages Amongst us in this Colony for the Due Celebration of which fast all Ministers are hereby required to take Care that there be Publick Prayers & Sermons Suitable to the Occasion at the Principall Churches of their Respective Parishes and all her Maj^{ties} Subjects are hereby Enjoyned to assist at the said Devotions with all Seriousness & Sincerity as they will Answer the Contempt to Almighty God and under pain of Incurring such penalties as may justly be Inflicted on them for their Neglect of so Religious a Duty And I do Command and require the Sheriffs of the Respective County's to Cause this

proclamation to be Published in the Churches Chappells & Court-houses in the said Respective Countys Given under my hand and the Seal of the Colony at W^{ms}burgh this 15th day of January 1710 [1710/11] in the Ninth Year of her Maj^{ties} Reign

A Spotswood

God Save the Queen

[C. O. 5, 1316, No. 71ⁱⁱⁱ or fo. 274]

Virginia S^s

By her Maj^{ties} Lieut Governor &
Commander in Cheif of this Dominion

A Proclamation Prorogueing the Generall Assembly

Seal

Whereas the Generall Assembly begun at her Maj^{ties} Royall Capitol the 25th day of October 1710 Stands prorogued to the 30th day of Aprill next And Whereas I have by & with the Advice of her Maj^{ties} Council here found it Convenient that the Said Assembly be prorogued untill further time

I Doe therefore by Virtue of the powers & authorities Derived to me by her Maj^{ties} Royall Commission by this proclamation in her Maj^{ties} Name Publish & Declare that I have prorogued the Said Assembly and it is prorogued to the Seventh day of November next at which time I do hereby require every respective Member thereof that they fail not in Giveing their Attendance Accordingly Given under my hand & the Seal of the Colony the 19th day of March *Anno Domini* 1710 [1710/11]

A Spotswood

God Save the Queen

Virginia S^s

By her Maj^{ties} Lieut Governor &
Commander in Cheif of this Dominion

Seal

Whereas I have received Complaints of Great delays in the Administration of Justice through the County Courts Neglecting to Meet on the dayes appointed for holding the Same And the Justices refusing upon frivolous pretences to Sitt when Mett for the Dispatch of the Business before them whereby her Maj^{ties} Subjects are frequently obliged to a Tedious & Expensive attendance before they Can Obtain a Determination of their Suits And forasmuch as I am desirous to be Informed from whose fault Such delays do proceed And that I may be the better Enabled to Distinguish such persons as out of a Due regard to the Service of their Country do regularly attend the Administration of Justice in their County Courts—

I have therefore thought fitt by & with the advice of the Council to Require the Sheriffs of the respective Countys And they are hereby required that whenever it shall hereafter happen that the Justices Shall Neglect to Meet on the dayes Appointed for holding their

respective Courts or being Mett Shall not duely Sitt & Dispatch the business then Depending that he forthwith Certifye the Same to me together with the Names of such of the said Justices as were then present and were hindred from performing their Duty for want of a Sufficient Number. And I do further require the said Justices at their next Succeeding Court to Examine into the reasons of the absence of the other Justices or their refusal to Act if Mett and to report the same to me by the first oppertunity. And that I may be Constantly Informed of the proceedings of the said County Courts in the Speedy Administration of Justice I do hereby require and Command the Justices of the said Courts forthwith to Transmitt to me, and so at every General Court from time to time a List of all Such Cases on their Docquett as have been depending Above the Space of Six Months, the time of their Entry & Continuance and the reason of their being so Long Undetermined And Whereas her Ma^{tie} hath been Graciously pleased to Direct that for the more Speedy prosecution of Criminalls Two Courts of Oyer & Terminer be held yearly On the Second Tuesday in June and the Second Tuesday in December I doe hereby Publish & make known that the said Courts will be held at the Capitol on the Said respective dayes and the Justices of the County Courts and Sheriffs of the several County's are hereby required to Observe & follow the like Orders & Directions in Conveying Criminals to the said Courts and for Summoning Venires Witnesses & returning the Examinations as are appointed by Law to be Observed upon Tryals of Criminals at the General Court—

And for as much at it hath been represented to me that the undersheriffs not being Sworn to their Accounts of the Quittrents received by them Gives Great Oppertunity to the said Undersheriffs to Defraud her Maj^{tie} in the receipt of the said Revenue I do hereby Order & require the Justices of the respective County Courts to Cause the Undersheriffs of the said Countys at the Courts held in the Month of March Yearly to Exhibite upon Oath a just & true Account of all the Quittrents received by them and to make oath that the Same doth Contain a Compleat & true Rent Roll of all the Lands they have been able to Discover which Oath shall be Certifyed by the Clerk of y^e Court in the foot of the said Rent rolls and produced by the high Sheriff to the Auditor before he be Admitted to pass his Accounts And that the Sheriffs may be the better Informed of their Duty in the premisses I do hereby Order & Direct that these presents be Entered in y^e Records of the Respective County Courts and that the Clerks deliver a Copy thereof to Each Sheriff at his Entrance upon his Office Given under my hand and the Seal of the Colony at W^{ms}burgh this 28th day of Aprill 1711 in the Tenth Year of her Maj^{ties} Reign

A Spotswood

A precept for the due holding of Courts
for Conveying Criminals &c;
and for returning Quittrent rolls

Copia Test Mich^l Archer per C C Thacker C^l S^{eo} Off

[C. O. 5, 1316, No. 90ⁱ or fo. 370]

Virginia S^s

By her Maj^{ties} Lieu^t Governor &
Commander in Chief of this Dominion

A Proclamation for Seizing & apprehending Col^o Tho^s Cary
& other Seditious & Factious persons that have made
their Escape from North Carolina into this
Colony

Seal

Whereas Col^o Tho^s Cary John Porter Emanuel Low Nevil Low Cap^t Stone Edmund Porter Levy Truehitt W^m Barrow Tho^s Sparrow George Berkinhead Henry Warren Simon Alderson Jun^r Sam^l Boatwell and one Richard Roach associated with Diverse other Seditious & Factious persons in North Carolina have lately taken up Arms in Opposition to the Established Government and Laws of the said Province Committed Diverse Acts of Hostility and Violence upon her Maj^{ties} Subjects there and in order to the better Carrying on their Seditious Designes have been Discovered to hold a Traiterous Correspondence with the Tuscaruro Indians whereby they have Endeavoured to Incite & Stir up the said Indians (by promises of Reward) to Cutt off her Maj^{ties} Good Subjects of the said Province of North Carolina that Continue Obedient to the Governm^t And Whereas Diverse of the said persons finding their Designes frustrated and justly fearing the Punishment their Crimes Deserve have fled from Justice & made their Escape into this Colony and have been Endeavouring by false & Crafty Insinuations to Debauch Severall of her Maj^{ties} Subjects here into an Approbation of their Actions and Intentions Now to the End the Peace of this her Maj^{ties} Colony may not be Endangered by the pernicious practices of such Incendiarys I have thought fitt by and with the Advice of her Maj^{ties} Council to Issue this my Proclamation Strictly Chargeing and requireing all Sheriffs Constables and Headboroughs to use their Utmost Diligence to Seize and Apprehend the above Named Thomas Cary John Porter Emanuel Low Nevil Low Cap^t Stone Edmund Porter Levy Truehitt William Barrow Tho^s Sparrow George Berkenhead Henry Warren Simon Alderson Jun^r Sam^l Boatwell & Richard Roach and being So Apprehended to Secure and Detain them in Custody untill they and every of them enter into Bond with Good Security in the Sume of five Hundred pounds Sterl for their personall Appearance before the Next Council and for their Good behaviour in the Meantime And if any person Comeing from North Carolina Shall be found Infuseing Seditious principles into her Maj^{ties} Subjects of this Colony or other Insinuations tending to the Disturbance of the peace I Do further require and Command all her Maj^{ties} officers Civil & Military and all other her Maj^{ties} Subjects to whose Knowledge the Same Shall Come forthwith to apprehend and Secure such person & persons & to Carry them before the Next Justice of the Peace who upon proof made of such Seditious practices is hereby required to Committ such person or persons to prison untill they and every of them Give

Bond with Good Security for their Good behaviour in such Sume as the said Justice Shall think fitt According as the Case Shall Appeare to him. And if upon Examination the Crime Shall Appear of such Nature for which the party ought to Suffer the Loss of Life or Member or be Imprissoned I Do hereby require the Said Justice or Justices to Certifye to me the Examinations taken before them and to Com-mitt the party Accused to Prison untill further order Hereby Com-manding the Sherifs of the Respective Countys to Cause this proclamation to be Read and Published at y^e Courthouses Churches & Chappells in their Said Countys Given under my hand and the Seale of the Colony at W^ms^burgh the 24th Day of July 1711 in the Tenth Year of her Maj^{ties} Reign

A Spotswood

God Save the Queen

Virginia S^s

By her Maj^{ties} Lieut Governor &
Commander in Cheif of the Colony & Dominion of Virg^a

A Proclamation for a Fast

Seal

Whereas our most Gracious Sovereign as well out of her pious Zeal to propagate the protestant Religion and Extirpate popish Superstition & Idolitry as out of a Just Horroure of the Rappaices and Murders dayly Committed on her people by the French & Indian Salvages in their Interest, and as well for Restoreing the Crown of Great Brittain to its Antient Rights in North America, as for Setting Quiet & Happyness to all her Subjects on this Continent, has thought fitt to Send a very Considerable part of her Fleets and Army's to Reduce Canada

And Whereas her most Sacred Maj^{tie} has Commanded that about the time her said Forces shall proceed on this Importand Expedition a day of Publick Fasting & Humiliation be kept in her Several Dominions on this Continent to Implore the Blessing and Mercy of Almighty God in protecting her Arms Employed in this Just & Necessary undertaking and Giveing them Success therein:—

I have therefore with the Advice of her Maj^{ties} Council of this Colony thought fitt to Issue this Proclamation Appointing fryday the 7th day of September next to be Religiously and Devoutly observed as a day of Publick Fasting and Humiliation throughout this Colony hereby Strictly Chargeing and requireing that in all Churches where there are Ministers there be Publick Prayers Read and a Sermon Preached Suitable to the Occasion and in all Churches & Chappells where there are no Ministers that Divine Service be performed by the Clerk or Reader

And I Do Strictly Charge & Command that the Said Day of Fasting & Humiliation be Religiously Observed by all her Maj^{ties} Loveing Subjects as they Tender the Favour of Almighty God and upon pain of Suffering Such Punishment as may be Justly Inflicted on them for the Neglect of So Necessary a Duty And I Do appoint the Sheriffs of the Severall Countys to Cause this proclamation to

be Published in all Churches & Chappells within their Respective Countys Given under my hand & the Seale of the Colony at W^{ms}burgh the Sixteenth day of August 1711 in the Tenth Year of her Maj^{ties} Reign
A Spotswood

God Save the Queen

Virginia S^c

By her Maj^{ties} Lieut Governor &
Commander in Cheif of this Dominion

Seal

A Proclamation

Whereas an Act of Assembly Passed in October 1666 Entituled an Act Declareing what is meant by Seating of Land and also an Act Passed at a Gen^l Assembly begun the 23^d of October 1705 Entituled an Act Concerning the Granting Seating & Planting & for Setling the Titles & bounds of Lands and for preventing Unlawfull Shooting & Rangeing thereupon have been Transmitted to her Maj^{tie} for her Royall Approbation or Disallowance thereof which said Laws haveing been perused & well Considered by the Lords Commissioners for Trade and Plantations and presented by their Lordshipps to her Maj^{tie} in Council with their Humble Oppinion that the Said Acts be Repealed Her Maj^{tie} haveing on the Seventeenth Day of April 1707 and 24th of March 1710 taken the said Acts into Consideration is pleased with the Advice of her privy Council to Declare her Dissallowance & Disapprobation of both the same And altho' by a Gen^l Repealing Clause in the Act passed last Session of Assembly Entituled an Act for Setling the Titles and bounds of Lands and for preventing Unlawfull Shooting and Rangeing thereupon the said Two first Recited Acts seem already to be virtually Repealed Yet for preventing any Disputes that may Arise upon the Construction of the said Gen^l Repealing Clause

I Alexander Spotswood her Maj^{ties} Lieut Governor and Commander in Cheif of this Dominion by & with the Advice & Consent of her Maj^{ties} Council doe hereby in her Maj^{ties} name require and Command all Sheriffs within this her Maj^{ties} Colony to Publish at the Courthouses of their Respective Countys this her Maj^{ties} Royall Will & Pleasure that the Said Acts are Null Void & of none Effect of which all her Maj^{ties} Subjects within this her Colony & Dominion are to take Notice Given under my hand and the Seale of the Colony at W^{ms}burgh the 24th day of October 1711 in the Tenth Year of her Maj^{ties} Reign
A Spotswood

God Save the Queen

Virginia S^c

By her Maj^{ties} Lieut Governor &
Commander in Cheif of this Dominion

A Proclamation Restraining Seating on out Lands
Dureing this time of Danger

Seal

Whereas Notwithstanding my Proclamation Issued the 8th day of December 1710 whereby all persons were prohibited to Enter for

or take up any Land between Nottoway & Maherine Rivers within Ten Miles of the Mouths of the said Rivers or on y^e South Side of Maherine Rivers within the bounds in Controversie between this Government and Carolina Yet Diverse persons have Seated and Continue to Seat Sundry Tracts of Land within the said bounds in Contempt of the orders of the Govern^t and thereby Created Misunderstandings with the Indians in those parts as well as Exposed themselves to the Insults of Forreign Indians by Seating So remote from the other Inhabitants & putting themselves out of the protection of the Rangers Appointed for the Defence of the Frontiers. For preventing of which Dangers and Inconveniencys I have with the Advice of her Maj^{ties} Council thought fitt to Issue this proclamation in her Maj^{ties} Name prohibiting and forbiding all persons in any of the Countys hereinafter Named to take up or Seat any Land beyond the bounds hereafter Specified (viz^t) In the County of Nansemond beyond the Nottoway River, and in the County of Isle of Wight, Surry, & Prince George beyond the Maharine River And I Do require all persons already Seated on any Lands beyond the Said Limitts or within Three Miles of any Towne of the Tributary Indians forthwith to retire and with Draw themselves and Stocks on pain of being prosecuted for y^e same And for the better Effecting thereof and bringing to Punishment such persons as Shall obstinately persist in their Illegall Encroachments on her Maj^{ties} Lands I Do require the Sherifs of the Respective Countys aforesaid to take all Such persons into Custody untill they Give Bond with Good Security for their appearance before me in Council on the 4th day of the next Gen^{el} Court to Answer their Contempt and that the s^d Sherifs return the Bail Bonds taken of Such persons to the Council office And I Doe further require the Surveyors of the said Countys to observe this Proclamation and to receive no Entrys for Lands out of the Limitts aforementioned untill further order And I Doe Appoint this Proclamation to be Published at all Churches & Chappells within the said Countys on the first Sunday after the Receipt thereof and thereafter to be Published and Affixed at the Courthouses of the Said Countys Given under my hand & the Seale of the Colony at W^{ms}burgh this Twenty Eighth day of January 1711 [1711/12] In the Tenth Year of her Maj^{ties} Reign

A: Spotswood

God Save the Queen

Virginia S^s

By her Maj^{ties} Lieut Governor &
Commander in Cheif of this Dominion

A Proclamation for Enforceing the Act of Assembly Entituled
Registers to be kept by the Ministers or Readers and
for the more Regular Transmitting Accounts of
all Births Christenings & Burials

Seal

Whereas by the Sixteenth Act made at a Gen^l Assembly held by Prorogation the 23^d of March in the Year 1661 It is Enacted

that the Minister or Reader of every Parish Shall well truly and Faithfully Record all Births Burialls or Marriages that shall happen within their parishes in a Book to be provided by the vestry for that purpose on penalty of 500^l Tob^o to the Use of the parish and that every Master of a Family Shall Give Notice to the Minister or Reader of the Day of the Birth Death or Marriage of every person to him or them related under the penalty of one Hundred pounds of Tobacco And I being Informed of Great Negligence both in the Clerks of the Vestrys and in the Masters of Familys in the observation of the s^d Act have thought fitt with the Advice of her Maj^{ties} Council to Issue this proclamation in her Maj^{ties} Name requireing & Commanding the Justices of the Respective Countys to Give in Charge to y^e Grand jurys to Enquire into the Breach of the said Act and to present Such Ministers Clerks or Masters of Familys as shall be found Guilty of Neglecting their Duty in the premisses and also to Cause the Respective Fines Imposed by the said Act to be Duly Levyed and forasmuch as her Maj^{tie} hath thought fitt to Direct that for her better Information of the State of this her Maj^{ties} Colony & Dominion the Account of all Births Christenings and Burials be from time to time Transmitted to her Maj^{ties} Principal Secretary of State I Do hereby require the Clerks of the Vestrys in the Respective parishes Once every half Year That is to Say in April & October to Returne to the Council office an Exact Account Digested into Columns of all persons Borne Christened and Buried Distinguishing how many of them are Males and how many Females to the end I may be the better Enabled to Comply with her Maj^{ties} Royall Commands And I Do Appoint this proclamation to be Read and Published in all Churches & Chapells within this Colony Given under my hand and the Seale of the Colony at W^msburgh this first day of April 1712 In the 11th Year of her Maj^{ties} Reign

A Spotswood

God Save the Queen

Virginia S^c

By her Maj^{ties} Lieut Governor &
Commander in Cheif of this Dominion

A Proclamation for Publishing y^e Encouragements in an Act of
Parliam^t Entituled an Act for the Encouragem^t of the
Trade to America

Seal

Whereas by an Act of Parliam^t made in the Ninth Year of her Maj^{ties} Reign Entituled an Act for the Encouragem^t of the Trade to America It is amongst other things Enacted that from & after the first day of June One Thousand Seven Hundred and Eleven all prize Goods & Merchandizes taken in America by any Ship or Vessell of War in her Maj^{ties} pay or Service or by any other private Ship or Ships of War Acting by Commission or Commissions According to a former Act for the Encouragement of the Trade to America made in the Sixth Year of her Maj^{ties} Reign and imported into any of her

Maj^{ties} Plantations or Colonys in America Shall be Lyable to the Dutyes following That is to Say all European Goods (Wines and Brandys Excepted) or other Commodities w^{ch} have Usually been Sent from Great Brittain to the Plantations taken as prize by any Such Shipp or Vessells of War Shall be Lyable to the Customs and Dutys payable to her Maj^{tie} for the like Goods Imported into the said Plantations from Great Brittain and all other Goods Merchandizes and Commodities taken as prizes Shall be Subject to Such Dutys Customs & Impositions Only as are payable for the Same by any Act or Acts of Assembly in the Said Plantations Therefore to the End all her Maj^{ties} Subjects may be Informed of the Said Exemptions from Customs & other Encouragements Given them I have with the Advice of her Maj^{ties} Council Issued this proclamation to Publish and Declare that no other Custom's Dutys or Impositions shall be Exacted or required for any Prize Goods Imported into this Colony than are by the Said Act of Parliam^t Directed hereby requireing the officers of her Maj^{ties} Customs within this Colony to observe the Same and Conform themselves Accordingly And I do appoint this proclamation to be Read and Published by the Sherifs at y^e Courthouses of their Respective Countys Given under my hand and the Seale of the Colony at W^mburgh this first day of April 1712 In the Eleventh Year of her Maj^{ties} Reign

A: Spotswood

God Save the Queen

Virginia S^s

By her Maj^{ties} Lieu^t Governor &
Commander in Cheif of this Dominion

A Proclamation for Prohibiting all Correspondence with
the Tuscaruro Indians

Seal

Whereas I have received Intelligence of the Consultations & Practices of the Tuscaruro Indians for Attacking her Maj^{ties} Subjects on the Frontiers of this Colony and that in order to the Carrying on their Wicked Designes the said Indians have of late Contrary to my Express orders resorted in Great Numbers to the Towns of the Indians Tributary to this Government and there Endeavoured to Seduce the s^d Indians from their fidelity to Joyn with them in the same Villany and Considering that the Favourable Reception Given the said Indians and the Unwarrantable Commerce Carried on with them by Diverse evil Disposed persons of this Colony hath Encouraged them to come more Frequently into this Governm^t to the Manifest Endangering the peace thereof. I have therefore thought fitt by & with y^e Advice of her Maj^{ties} Council to Issue this Proclamation Strictly forbidding all her Maj^{ties} Subjects to Harbour Entertain or Conceal any Indians of the Tuscaruro Nation upon pain of being prosecuted for y^e Same with the Utmost Severity and if any of the said Indians shall Come to the House or plantation of any person or persons within this Governm^t every Such person is

hereby required to do his Utmost to Seize and Secure such Indian or Indians or otherwise to Give Immediate Notice to the Next Militia officer who is hereby Commanded to Raise a Sufficient Force and to pursue and Apprehend all & every such Indian or Indians and being so apprehended to Cause them to be Conveyed under a Sufficient Guard to the Publick Goal at W^msburgh And I Doe Particularly Charge and require the officers Commanding the Rangers in the Frontier Countys that they Suffer None of the Tributary Indians to go without the Inhabitants and that upon their Discovering any of the Tuscaruro Indians in their Range they use their Utmost Diligence to Apprehend them & to Carry them before the Next Militia officer who is hereby required to Cause them to be Conveyed to W^msburgh in Manner aforesaid there to be Secured or otherwise proceeded Against as shall be found most Necessary for the preservation of the Peace of this Colony.

And Whereas Notwithstanding the prohibition of Trade with the Said Tuscaruro Indians Published by Order of Council bearing date the 8th day of October last Past I have received Certain Information that Diverse persons have Supplied the said Indians with Powder & Shott and other Commodities. I Do therefore by and with y^e Advice aforesaid Command and require the Sherifs of the Respective Countys to whom this Proclamation Shall Come to take into their Custody every Person or persons suspected of Tradeing either Directly or Indirectly with the said Tuscaruro Indians Since the Aforesaid Prohibition and to Carry him or them before any Two or more Justices of y^e Same County (whereof one to be of the Quorum) who are hereby Directed to Examine into the Truth of the Case and if they See Cause to Send the offender in Custody of the Sheriff before me to be further proceeded Against as the offence Shall require and to order the Witnesses at the Same time to Attend and for the better Detecting Such Unwarrantable Tradeing I do hereby promise to any one that shall Discover any person that hath Traded with the Said Indians within the time aforesaid So as Such person be thereof Lawfully Convicted that a Suitable reward Shall be paid for Such Discovery And I Do appoint this Proclamation to be Published at all Churches Chappells & Courthouses in the Severall Frontier Countys on the South Side of James River Given under my hand and the Seale of the Colony at W^msburgh the Nineteenth day of Aprill 1712 In the Eleventh Year of her Maj^{ties} Reign A Spotswood

God Save the Queen

Virginia S^s By her Maj^{ties} Lieu^t Governor &
Commander in Cheif of this Dominion

A Proclamation prohibiting the takeing up or Seating any
Lands within the bounds in Dispute between this
Colony and the Province of North Carolina

Seal

Whereas I have Received Information that Notwithstanding the Severall Proclamations and other orders heretofore Published

Restraining the takeing up any Lands within the Controverted Bounds between this Colony and Carolina Diverse Inhabitants of this Colony have lately taken up and Entred with the officers of Carolina for Sundry Tracts of Land between Maherine & Roanoak Rivers Moved by an Imagination that a Possession of Land within the said Bounds under Surveys or Grants from the Govern^t of North Carolina will be Sufficent to Secure their Title thereto altho the said Lands be afterwards adjudged to belong to her Maj^{tie} To the End therefore that no person may be Imposed on or Deceive themselves by Such a Specious pretence I have thought fitt by and with the Advice of her Maj^{ties} Council to Issue this Proclamation hereby publishing and Declareing that her Maj^{tie} by Order in her Privy Council the first of March 1710 hath Expressly forbidd any Surveys or Grants to be made either by this Govern^t or that of Carolina of any Lands within the bounds in Dispute untill the same be finally Determined And I Do in pursuance of her Maj^{ties} Said Commands require all her Maj^{ties} Subjects within this Colony to forbear Entring for Seating on or takeing out Patents for any Lands within the bounds in Dispute untill the finall Determination thereof in the Manner her Maj^{tie} hath prescribed Certifying Such as Shall Act Contrary to her Maj^{ties} Commands in the premisses that if y^e Lands So by them Entred Seated or Patented do fall within this Colony they Shall not only lose all Benefitt of the said Entrys or Grants but also of the Rights upon which they have obtained the Same and that the said Lands with all & every the Improvem^{ts} made thereon Shall be Granted to any other of her Maj^{ties} Subjects desireing the Same that have Given a Due Obedience to her Maj^{ties} Commands and the orders of this Govern^t Issued there upon And I do require the Sherifs of the Severall Countys to Cause this Proclamation to be Read and Published at y^e Courthouses of their Respective Countys Given under out hand and the Seale of the Colony this 10th day of June 1712 In the 11th year of her Maj^{ties} Reign

A Spotswood

God Save the Queen

Virginia S^s

By her Maj^{ties} Lieu^t Governor &
Commander in Cheif of this Dominion

A Proclamation for y^e Free Trade with the Western Indians
Seal

Whereas Application hath been made to me by Diverse of her Maj^{ties} Subjects Concerned in the Indian Trade for Liberty to Goe out to Traffique with Certain Indians liveing to the Westward of this Dominion remote from any of the Nations Engaged in the war with y^e Government of North Carolina under Such Conditions & Regulations as I shall think fitt to Direct for the prevention of all Dangers & Inconveniencys that may happen by the Said Trade to any of her Maj^{ties} Colonys and Plantations I being desirous of all occasions to promote the Trade of this Govern^t and more Especially that So valuable a

Branch thereof may not be lost to her Maj^{ties} Subjects here, have thought fitt by and with the Advice of her Maj^{ties} Council to Grant Free Liberty to all her Maj^{ties} Subjects of this Dominion to Trade & Traffique with any Nation of Indians Whatsoever Except the Tuscaruro Nation and Such others as are in Actual League and Alliance with them for all Goods and Merchandizes whatsoever in as full & Ample Manner as they used or Enjoyed the Same before the Prohibition Published by order in Council bearing date the 8th day of October last past and to the Intent the said Indian Trade may be the better Managed and Carried on According to the true Intent and Meaning of the Lycence abovementioned I Doe with y^e Advice aforesaid Direct and require that every person Intending to goe out to Trade with the said Indians shall take a Passport under y^e Seale of the Colony and at the Same time enter into Bond with Good Security in the Sume of 300£ Sterling to our Sovereign Lady the Queen that he will not Directly nor Indirectly Trade or hold any Manner of Commerce or Correspondence with any of the Tuscaruro Indians or any other Nation in Alliance with them. And also to follow Such Rules and Instructions as shall be Given for the better Carrying on the said Trade and for the Effectual prevention of Such Dangers as may be Apprehended from their being Intercepted by the Said Tuscaruro Indians or their Allys in their Journey Provided that nothing herein Contained Shall Give any Liberty to the said Trades or any other person to Sell any Powder shott or Arms to any of the Tributary or Neighbouring Indians Otherwise than According to the Respective Lycences Granted to the Said Severall Nations nor to give any Liberty for Selling Rum or other Strong Liquors in any Town or precinct of the s^d Tributary Indians but that the Same are Still prohibited and the offenders lyable to prosecution According to Law for any Offence of that Nature and all Justices of the peace and other her Maj^{ties} officers are required to use their Utmost Diligence to Detect & prosecute Such offenders Accordingly. And I do require the Sherifs of the Severall Countys to Cause this proclamation to be Read and Published at y^e Courthouses of their Respective Countys Given under my hand and the Seale of the Colony at W^ms^burgh this 10th day of June 1712 In the Eleventh Year of her Maj^{ties} Reign
A Spotswood

God Save the Queen

Copia Test Mich^l Archer per C C Thacker Cl Sec Off

[C. O. 5, 1316, No. 94^{ia} or fo 398]

By Her Majestys Lieutenant Governor
& Commander in Cheif of this Dominion

A Proclamation for publishing in this Colony the Suspension
of Arm's as well by Sea as Land Agreed upon between
Her Majesty & the most Christian King

Seal

Whereas Her Majesty hath been graciously pleased for the well-fare of all her people both at Sea & land to Conclude a Truce wth y^e

most Christian King and out of her Extensive care for the remotest of her Subjects Immediately thereupon to dispatch her Shippes of War to Notifie the same, I have therefore thought fitt by & wth y^e Advice of the Council of this Colony to publish her Majests Royal Proclamation which is in the words following

“Anne R.

“Whereas for putting an End to this long & Expensive War and “for restoreing a Generall peace a Treaty hath for some time been “Sett on foot & is now Carrying on at Mrecht, And Whereas for “y^e preventing the Effusion of Christian blood & all the Events of “War which might possibly Interrupt y^e progress of that Negotiation “And for the better Secureing the Trade of our Kingdoms of the “Dominions thereunto belonging; It hath been agreed between us “& his most Christian Majesty as follows that is to Say

“That there shall be a Generall Suspension of all warlike Actions “& Enterprizes and of all Acts of hostility in Generall between y^e “Armies, Troopes, fleets, Squadrons & Shippes of her Majesty of Great “Brittain and y^e most Christian King dureing the Term of four “Months to commence from y^e Eleventh of this Instant August, and “to continue until y^e Eleventh of December next.

“And to prevent all Occasion of Complaints & disputes which “may Arise upon Account of Shippes, Merchandizes, or other Effects “which may be taken at Sea, dureing the time of the Suspension. “It hath been also mutually Agreed, That such Shippes Merchandizes “& Effects w^{ch} shall happen to be taken in the Channel & in the “North Seas after y^e Space of twelve days, to be Computed from y^e “Eighth of this Instant August on w^{ch} day the said Treaty of Suspension was Signed, & that all Shippes, Merchandizes & Effects which “shall happen to be taken after Six weeks from the said Eighth day “of August beyond the Channell the Brittish Seas & the North Seas “as far as Cape St Vincent or beyond the Said Cape to the Line, “whether in the Ocean or in the Mediterranean, shall be restored “on both Sides—

“Wee have thought fitt by and with the Advice of our Privy Council, “to Notifie the same to all our Loving Subjects. And wee do declare “that our Royal will & pleasure is, And we do hereby Strictly Charge “& Command all our Officers both at Sea & Land and all other our “Subjects whatsoever, to forbear all Acts of hostility, either by Sea “or Land, against his most Christian Majesty his Nassals or Subjects, “during the said Space of four Months, Under the penalty of Incurr- “ing our highest displeasure. Given at our Castle of Windsor this “Eighteenth day of August in the Eleventh Year of our Reign and “in the Year of our Lord 1712. And I do hereby require the Sheriffs of the respective Countys to cause publication hereof to be made accordingly at y^e Courthouses of their said Countys. Given under my hand & the Seal of the Colony at Williamsburgh this 15th day of October 1712 In the Eleventh year of her Majestys Reing

A: Spotswood

God Save the Queen

Virginia S^s

By Her Majestys Lieu^t Governor &
Commander in Cheif of this Dominion

A Proclamation for preventing Abuses in Obtaining
Certificates of Rights for taking up Land

Whereas by the Royal Charter Granted by King Charles the 2^d in favour of the Subjects of this Colony & Dominion it is amongst other matters declared that for the Encouragement of such as shall from time to time come to dwell in the said Colony there shall be assigned out of the Lands (not allready appropriated) to every person so coming to dwell fifty Acres, And forasmuch as Claims are thereupon frequently made for Land by such Certificates of Importation as are Contrary to the Express words & meaning of the said Royal Grant, and that Several fraudulent Rights do now appear in the Secretarys Office w^{ch} Cannot reasonably be allowed, To the End therefore that her Majestys Grants for Land may in a more just manner be obtained & her good Subjects be no longer deceived in the purchase of Undue Certificates, I have thought fitt by & wth the Advice & Consent of her Majestys Council to Issue this Proclamation hereby requiring all persons who at the time of Publication hereof are possessed of any Rights for Importation which are allready proved that they deliver the same to y^e Clerk of the respective Countys where they reside before the first day of April next. And the said Clerks are hereby likewise required to return all Such Certificates to the Secretarys Office on or before the Sixth day of next April General Court, To the Intent that y^e said Rights may be Examined before me in Council & such of them as shall appear to have been duly Obtained and not yet satisfied may be registred in the Secretarys Office, and a Certificate Endorsed thereon by the Clerk thereof, and so returned to y^e respective owners to be used for their benefitt in taking up Land or transferred to others at their pleasure, and that such Certificates as shall appear to have been Unduly Obtained may be cancelled And for prevention of all frauds that may be Committed in obtaining Certificates of Rights, for the future the Clerk of every County Court where Rights shall happen to be proved, according to the true Intent & meaning of the said Royal Charter are hereby required every half year to return into the Secretarys Office a List of all Certificates of Rights obtained in the said County Courts respectivly for the half Year preceeding, digested into Columns, mentioning the names of the persons Imported, The Year of their Importation & the time when such Rights were proved, That the said Lists may be also fairly registred in the Sec^{rys} Office in Books kept for that purpose And I do with the Advice aforesaid hereby Publish & Declare that no Rights for Importation already proved or that shall hereafter be proved shall be allowed to pass for Obtaining any Grant of Lands thereupon, Unless the same shall be returned & Examined according to the time therein before prescribed, and duly Entred in the Register of the Secretarys Office in the manner aforesaid And I do appoint & direct the Sheriffs of the respective

Countys to cause this Proclamation to be read & published at the Courthouses & in all Churches & Chappells within their said Countys Given under my hand & the Seal of the Colony at Williamsburgh the 9th day of December 1712 In the Eleventh Year of her Majestys Reign

A: Spotswood

God Save the Queen

[C. O. 5, 1317, No. 18⁽ⁱⁱ⁾]

Virginia S^s

By her Maj^{ties} Lieut^t Governor-&
Command^r in Cheif of this Dominion

A Proclamation Prorogueing the Gen^{ll} Assembly

Seal

Whereas the Gen^{ll} Assembly begun at her Maj^{ties} Royall Capitol The Twenty Second day of October 1712 Stands prorogued to the Seventh day of May next And Whereas I have by and with the Advice of her Maj^{ties} Council here, found it Convenient that the said Assembly be Prorogued untill further time I Do therefore by Virtue of the Powers and Authoritys derived to me by her Maj^{ties} Royall Commission by this proclamation in her Maj^{ties} Name Publish and Declare that I have prorogued the said Assembly and it is Prorogued to the first day of July Next at which time I do hereby require every Respective Member thereof that they fail not in Giveing their Attendance Accordingly Given under my hand and the Seale of the Colony the 16th day of April *Anno Dom* 1713

God Save the Queen

[C. O. 5, 1317, No. 18⁽ⁱⁱⁱ⁾]

Virginia S^s

By her Maj^{ties} Lieut^t Governor and
Commander in Cheif of this Dominion

A Proclamation Prorogueing the Gen^{ll} Assembly

Whereas the Gen^{ll} Assembly begun at her Maj^{ties} Royal Capitol the Twenty Second day of October 1712 Stands prorogued to the first day of July Next And Whereas I have by and with the Advice of her Maj^{ties} Council here found it Convenient that the said Assembly be Prorogued untill further time I Do therefore by Virtue of the Powers and Authoritys derived to me by her Maj^{ties} Royall Commission by this Proclamation in her Maj^{ties} Name Publish and declare that I have prorogued the said Assembly and it is prorogued to y^e fifth day of November Next at which time I do hereby require every Respective Member thereof that they fail not in giveing their Attendance Accordingly Given under my hand and the Seale of the Colony the Tenth day of June *Anno Dom* 1713

God Save the Queen

[C. O. 5, 1317, No. 18^(iv)]

Virginia

By her Maj^{ties} Lieut Governor &
Commander in Cheif of this Dominion

A Proclamation for Apprehending and Seizing of One Richard
Oadham of the County of Nansemond Labourer Suspected
for the Murder of one Robert Trewren late of the Said
County Labourer

Seal

Whereas it hath been Represented to me (by the Petition of Anne Trewren Widdow of y^e said Robert Trewren Deceased) That the Above said Richard Oadham Stands highly Suspected of haveing murdered the said Robert Trewren And that he hath already been Apprehended by the Sheriff of the said County of Nansemond on Suspition of haveing Committed the said Murder, And has wilfully Escaped out of y^e Custody of the said Sheriff and does withdraw Abscond & hide himself from Publick Justice; And does also by Threatning & Manaceing Speeches and other his Dareing and Insolent behaviour Deterr and affright the Publick Ministers of Justice and all other her Maj^{ties} Leige Subjects from Seizing and Apprehending of him the said Richard Oadham—

These are therefore to will require and Command; And I do hereby will require and Command all her Maj^{ties} Ministerial Officers of Justice (as Sheriffs Undersheriffs Bailiffs Constables headboroughs and Tythingmen) within this her Maj^{ties} Colony & Dominion of Virginia to make Diligent Search & Enquiry after the said Richard Oadham in their Respective Countys and Districts and him (wherever to be found) to Seize Apprehend and Carry before some one of her Maj^{ties} Justices of the Peace for the County wherein he Shall be so Seized and Apprehended; who are hereby likewise Commanded and required to proceed According to Law (and the Act of Assembly of this Colony in such Cases made and provided) Against the said Richard Oadham: both on the Account of his being Suspected for the Murder Aforesaid as also for his (Breach of Prisonor) Escape Aforesaid. And I hereby further require and Command all her Maj^{ties} Leige Subjects to Discover and Detect the said Richard Oadham where he is or may be Concealed And that they do not harbour Entertain Hide Conceal or Assist the said Richard Oadham in his Flight or from Publick Justice as they will Answer the Same at their peril But (on the Contrary) use their utmost Endeavours to bring him the said Richard Oadham to Speedy Justice. Given under my hand and the Seale of the Colony this 11th day of June in the Twelfth Year of the Reigne of our Sovereign Lady Queen Anne &c *Annoq Dm* 1713

God Save the Queen

[C. O. 5, 1318, No. 66(v)]

Virginia S^sAt a General Court held at the Capitol October the 23^d 1718

Ralph Bowker haveing petitioned for a grant of Two Thousand three hundred Acres of land lying in King and Queen formerly part of New Kent County as lapsed from Cap^t William Smith to whom it was granted by patent bearing date the 25th of September 1677, and also for a grant of five hundred twenty Seven Acres of Land lying in the said County of King and Queen as lapsed from the said Smith to whom the same was granted by patent dated the 22^d of December 1682. And the said Smith having been Summoned according to Law and not appearing It is therefore hereby adjudged that the said two tracts of land are forfeited and vested again in the Crown which is hereby certified to the Governor And that the said Bowker is the first petitioner for the said land and hath pursued the same with effect.

Copia Test C C Thacker Cl Gen Cur

I do hereby humbly Certifie that upon calling in Court the above-named petitioner Ralph Bowker and Joseph Smith in the above-mentioned petition named on the 23^d day of October abovesaid The said Joseph Smith or any person in his behalf did not appear to the best of my remembrance And that thereupon at the prayer of the said Bowkers attorney the above Certificate was granted in course without reading the said petition and without any debate then in Court about the Same Given under my hand this 12th day of February 1718.

C C Thacker Cl Gen Cur[C. O. 5, 1316, No. 111⁽ⁱⁱ⁾ or fo. 529]Virginia S^s

By her Majesty's Lieutenant Governor
and Commander in Chief of this Dominion

A Proclamation for publishing the Peace concluded between
Her Majesty and his most Catholick Majesty
the King of Spain

Seal

In obedience to Her Majesty's Commands I do hereby Publish and make known to all her Majestys Subjects within this Colony that a Treaty of Peace and Commerce is Concluded between her said Majesty our most Gracious sovereign and his most Catholick Ma^{ty} the King of Spain. And for the more solemn publication of the s^d Peace I do by and with the advice and Consent of Her Majesty's Council hereby order & direct that her Majesty's Royal Proclamation (a Copy whereof is herewith sent) be openly read and published at the Court house of each County in this Colony by the respective Sheriffs on horseback, the next Court day after the receipt of the same; Hereby requiring all persons to take notice thereof and to Con-

form themselves to her Majesty's pleasure Signified therein Given
att the Council Chamber in Williamsburgh the 16th day of June 1714
In the Thirteenth year of her Majestys Reign

A Spotswood

God Save the Queen

Virginia

By Her Majesty's Lieutenant Governor
and Commander in Cheif of this Dominion

A Proclamation enlarging the liberty of taking up land
on the Southern Frontiers of this Government

Whereas the Surveyors of this Colony have been for Some years
past prohibited by sundry orders of the Government to receive Entrys
for any Lands which they might judge to be within the bounds in
dispute between this Colony and North Carolina and more parti-
cularly by my Proclamation of the 10th of June 1712, the said Survey^{rs}
were restrained from Entring or surveying any lands to the South-
ward of the Maherine River Yet forasmuch as the Due west line which
I have lately caused to be run from the mouth of Nottoway River
'til it intersects Roanoake River doth now ascertain the limits of
the Contraverted lands next to Virginia I have therefore thought
fit by and with the advice of her Ma^{ties} Council to Issue this Procla-
mation; Hereby Notifying to all her Majesty's Subjects that shall
be desirous to take up lands to be held of her Majesty within this
Goveinment, that full liberty is given them to Enter for, and take up
after the usual manner, any of the lands not heretofore Entred to
the Northward of Roanoake River aforesaid and of the line lately
run from thence to the mouth of Nottoway River And the Surveyors
of the several Countys are to take notice hereof and Conform them-
selves accordingly And I do appoint this Proclamation to be read
and Published at the Courthouses of the respective Countys on the
South Side of James River; To the end that all her Majesty's Subjects
there may reap the benefite hereby intended Given att the Council
Chamber in Williamsburgh this 16th day of June 1714 In the Thirteenth
year of her Majesty's Reign

A Spotswood

[C. O. 5, 1317, No. 27 (vii)]

By His Majesties Lieu^t Governor &
Commander in Chief of this Dominion

A Proclamation for General Thanksgiving

Whereas It hath pleased Almighty God after the much lamented
death of our late Gracious Sovereign Queen Anne of blessed memory,
to Supply the Throne with a Prince of the Same Religion, His Sacred
Majesty King George our Rightfull & lawfull Sovereign, and to unite
the hearts of all his Majesties Subjects in Such a manner that Nothing
has obstructed his peaceable Succession to the Crown which is his

undoubted right; and particularly that in this Colony & Dominion there has been such an harmony & Unanimity in proclameing his Majesty. I therefore duly considering that Such publick blessings as are derived to us, on this occasion do call for our publick & Solemn acknowledgements, Have by & with the advice of his Majesties Council of this Colony thought fitt to order & appoint that Thursday the 25th of this present month of November be kept & Observed throughout this Colony as a day of Publick Thanksgiveing to Almighty God for this his great Mercy & goodness: And to the end the Said day of Publick Thanksgiving may be the more religiously observed. I do hereby require the Ministers of the respective parishes that they & every of them do at the Principall Churches of their Said parishes perform divine Service and preach Sermons suitable to this occasion; And that in all parishes where there are no ministers, publick prayers & a proper Homily be read by the Clerk or reader: Hereby Commanding & requiring all his Majesties Loving Subjects, that as well they as their Servants & Slaves Abstain from all Servile Labour and y^t they duly attend the divine Service at their respective parish Churches, as they answer their Contempt to Allmighty God & on pain of Suffering Such penaltys as may be justly inflicted on them for their neglect of so religious & Necessary a duty. And I do appoint this proclamation to be read and published in all Churches & Chappells within this Colony, and that the Sheriffs of the respective Countys do take Care to Cause Copys hereof to be timely dispersed accordingly. Given at the Councill Chamber in Williamsburgh this first day of November 1714 In the first year of his Majesties Reign

God Save the King

[C. O. 5, 1317, No. 30 (i)^a]

Virginia S^s

By His Majesties Lieut Governor &
Commander in Chief of this Dominion

A Proclamation for Continuing all Officers within this
Government untill further order

Whereas His most Sacred Majesty by His Royal Proclamation given at the Court at St James's the 22^d of November last past hath been pleased to Signify His Royal Pleasure that all persons who at the decease of Her late Majesty of Glorious memory were duly & lawfully possessed of any office or employment Civil or Military in any of His Majesties Plantations and have not been Since removed from Such their employments should hold themselves continued in the Said Offices and Employments until His Majesties Pleasure be further known or that other provision be made pursuant to Her late Maj^{ties} Commissions & Instructions to the Governors of the Said plantations Therefore to the end there may be no delay or Interruption in the Course of Justice Or in the due administration of the affairs of the Government I have thought fit by and with the advice of the Council to issue this Proclamation hereby notifying to all His Majesties

Loving Subjects within this Colony now being in any office Civil or Military within the Same that pursuant to His Majesties Royal Pleasure they & every of them continue in the due execution of their Several Trusts Offices & Employments in the same manner as formerly appertained to them until they shall receive further order in pursuance of y^e Powers & Authoritys derived to me or the Commander in Chief of this Dominion for the time being And I do require all His Majesties Subjects within this Colony to be aiding & Assisting at the Commandm^t of the Said respective officers in the performance of their s^d Trust And I do also Command the Sheriffs of y^e Several Countys to Cause this Proclamation to be read & Published at the Courthouses of their respective Countys Given at the Council Chamber in Williamsburg the 23^d day of February 1714 [1714/15] in the first Year of His Majesties Reign

A Spotswood

God Save the King

[C. O. 5, 1317, No. 30 (ib)]

Virg^a S^s

By His Majesties Lieu^t Governor &
Commander in Chief of this Dominion

A Proclamation for takeing off the restraint on Exporting
Corn and other Grain

Whereas by a Proclamation bearing date y^e 30th day of July last past the exportation of Wheat, pease beans & Indian Corn, and Flower or meal made of y^e Same was prohibited in regaurd of the unseasonable weather at that time which had given just apprehensions of a Scarsity of those Kinds of Grain But forasmuch as the goodness of God in Granting so favourable a winter hath in a great measure releived us from those apprehensions; And that it hath been represented to me that a far greater quantity of Corn & other Grain is now in the Country than the Necessary Subsistance of the Inhabitants doth require w^{ch} is apparent by the low prices at which Indian Corn wheat & other kinds of Graine are now at I have therefore thought fit by & with advice of His Majesties Council to issue this proclamation hereby publishing & Declareing that for the Encouragment of the trade of this Colony all persons Shall have full Liberty from and after y^e Publication hereof to Export all sorts of Grain or flower or bread made of the Same (Indian Corn only excepted) and that from & after the last day of March next coming the like liberty be also allowed for the exportation of Indian Corne as fully as might have been done before the late prohibition And I do hereby require y^e Collectors & Naval officers of y^e Several Districts within this Dominion to take notice hereof and to allow the exportation of Such Grain according to the respective times herein before directed and not otherwise Hereby requiring the Sheriffs of y^e respective Countys to Cause this proclamation to be read & published at y^e Court houses of their respective Countys

Given at y^e Council Chamber y^e 23^d February 1714 [1714/15] in the first year of His Maj^{ty}s Reign

A Spotswood

God Save the King

[C. O. 5, 1317, No. 30 (1^c)]

Virginia S^s

By His Majesties L^t Governor &
Commander in Cheif of this Dominion

A Proclamation for dissolveing the General Assembly

Whereas the General Assembly begun at the Capitol y^e 22^d day of October in the eleventh year of the reign of Her late Maj^{ty} Queen Anne of blessed memory Stands now prorogued to the 21st day of April next insuing And whereas upon consideration had in Council of the present State of affairs in this Colony there doth not appear any urgent occasion for the meeting of the said Assembly according to the day to w^{ch} it is prorogued and in regaurd the Space of Six months in which the Said Assembly are impowered to Sitt & Act from their first meeting after the demise of Her s^d late Majesty will expire soon after y^e time to which the Assembly now Stands prorogued I have therefore thought fit for preventing any unnecessary attendance of the Members of the Assembly to dissolve the Said Assembly And it is hereby accordingly dissolved of which all His Majesties Subjects of this Colony are hereby required to take Notice

Given at the Council Chamber the 23^d day of February 1714 [1714/15] in the first year of His Majesties Reign

A Spotswood

God Save the King

[C. O. 5, 1317, No. 30 (1) (4)]

Virginia S^s

By His Majesties Lieu^t Governor &
Commander in Chief of this Dominion

A Proclamation for takeing up persons coming out of
North Carolina without passports

Whereas the Governor of North Carolina hath represented to me that divers of the Inhabitants of that Province being apprehensive of an Indian war are preparing to leave the Country whereby the Said Province and the Inhabitants that remain therein will become a more easy prey to their Enemies and hath thereupon desired that some effectual Course may be taken for preventing such desertion by prohibiting the entertaining any Such deserters within this Province I have therefore thought fit by & with y^e Advice of y^e Council to issue this Proclamation, hereby requiring all Justices of y^e Peace Sheriffs and other Officers within the Countys bordering on North Carolina that during the present apprehension of danger from the Indians they cause to be taken up all persons being Inhabitants of

the s^d Province or of South Carolina who shall be found coming into any of the said Countys without a Pasport from the Governor of North Carolina for the time being or such persons as Shall be appointed by him for granting the same and the person or persons So taken up to cause to be conveyed from Constable to Constable untill they be delivered to Some Magistrate with y^e s^d Province of North Carolina, Hereby requiring all His Majesties Subjects to be aiding & Assisting in the Execution hereof as they will answer the Contrary at the Peril and I do appoint this proclamation to be read & published in all Court houses and in all Churches & Chappells wth in the Countys aforesaid Given at the Council Chamber the 15th day of June 1715 in the first year of His Majesties Reign

A Spotswood

[C. O. 5, 1317 No. 30 (1)^c]

Virginia S^s

By His Majesties Lieu^t Governor &
Commander in Chief of this Dominion

A Proclamation for Enforcing the Laws for the better regulating
the manner of Signing & Certifying Propositions &
Grievances to the General Assembly

Whereas the Act made at a General Assembly held at James City the 8th day of June 1680, Entituled an Act for presentation & delivery of Grievances tho still unrepealed hath been so much neglected & disused that notwithstanding the plain directions therein given for preventing ill disposed persons from transmitting to y^e General Assembly scandalous & seditious papers under the General name of Grievances of the Countys wherein the Subscribers dwell altho the Same be unknown to the greater part of His Majesties good Subjects of the County whose title they bear I have received information that Such has been the Lycentious practices of divers evil disposed persons of late that Scandalous & Seditious papers have been framed & the names of divers persons put thereto, and others have been handed about through the Countys and the meaner sort of people called together in a riotous manner to Sign the same and the said Papers called by the General name of y^e Grievances of the freeholders or Inhabitants of Such Countys not Signed at the Courts appointed for Certifying such Grievances as the Said Act directs nor presented by the persons signing the same, but only by one or two of the s^d Subscribers have been Certifyed by the Justices of Such Courts altho it could not appear to them wether the names affixed thereto were really y^e writeings of y^e persons Said to be Subscribers, neither doth it appear by y^e Certificates annexed thereto whether the Same be y^e General Grievances of y^e Countys or only of the persons Subscribing nor which of the Subscribers did present the Same; By which evil practices the minds of his Majesties good Subjects have been Seduced by private Insinuations of Crafty & ill designing men, the good intention of y^e s^d Act evaded and the time of y^e Gen^l Assembly to the great burthen of the Country spent in reading trifling Proposi-

tions, or such papers as require rather y^e punishment of y^e authors than to be considered as Grievances For prevention whereof for the future and to y^e end the propositions & just Grievances of the people may be presented in a decent manner & regularly Certified I have thought fit by & with y^e advice & consent of His Majesties Council to issue this proclamation hereby Strictly Chargeing & requiring all Justices of y^e peace within this Colony that they diligently observe the directions of y^e aforerecited Act, And that they Certify no Grievances but such as Shall be signed at the time & place therein appointed & duly presented by y^e persons Signing the same and the Said Grievances being so Signed & presented they Shall Cause to be attested as Grievances of y^e person or person [s] Signing & presenting y^e Same as by y^e aforementioned Act and a Clause in y^e Act for regulateing the Election of Burgesses &c passed in y^e year 1705 is enjoyned & directed and whereas y^e power of redressing y^e Just Grievances of y^e people is lodged in the Gen^l Assembly Consisting of the Governor Council & Burgesses and not in either of y^e houses of Assembly Separately I do further with the advice aforesaid direct & appoint that all such propositions and Grievances as Shall be legally Signed & presented in the manner aforesaid be Certified to y^e Gen^l Assembly as by law they ought to be and to the end all Riotous & Tumultous meetings for framing & Signing such propositions & Grievances may be prevented I do hereby Strictly Charge & require all Magistrates within this Colony that they use their u^mmost diligence to discover & punish all Such persons their Aiders and Abbettors as Shall be found to Assemble in a riotous manner for drawing up or Signing papers under y^e name of Grievances otherwise than the Laws in that Court direct And I do appoint this Proclamation to be read & published by y^e Sheriffs at y^e Courthouse of every County at y^e first Court held in y^e s^d County after y^e receipt thereof and to be entered upon y^e records of y^e respective County Courts and that the present Proclamation be also published in the Several Countys together with the writs for y^e Election of y^e Burgesses and at the Courts of Claims Given at the Council Chamber in W^ms^burgh y^e 24th day of August 1715 In the second year of his Majesties Reign

A Spotswood

God Save the King

[C. O. 5, 1317, No. 44(v)]

Virginia S^a

By His Maj^{ty}s L^t Governor and
Commander in Cheif of this Dominion

A Proclamation Notifying the repealing the Act of
Assembly Entituled an Act declareing who
shall not bear office in this Country

Whereas an Act of Assembly made in y^e year 1705 Entituled an Act Declareing who shall not bear office in this Country hath been considered by His Majesty in Council and thereupon His Majesty haveing on the 31st of August last past been pleased with the

advice of His Privy Council to declare His Disallowance and disapprobation of the same and that pursuant to His Maj^{ty}s Pleasure the said Act is repealed and declared voyde & of none effect.

Therefore I Alexander Spotswood His Maj^{ty}s Lt Governor and Commander in Cheif of the Colony & Dominion of Virginia Doe by & with y^e advice and consent of His Maj^{ty}s Council of This Colony Hereby publish and make known this His Maj^{ty}s Royal will & pleasure and that y^e s^d Act is Null voyd and of none effect Of which all His Maj^{ty}s Subjects within this Dominion are to take Notice Given under my hand & y^e Seale of the Colony at Williamsburgh the 20th day of April in the Second year of the Reign of our Sovereign Lord King George

A Spotswood

God Save the King

[C. O. 5, 1318, No. 40 (iii)]

Virginia S^s

By His Majesties Lt Govern^r &
Commander in Chief of this Dominion

A Proclamation preventing frauds in the Treasury Rights and
for the greater ease of His Majesties Subjects in obtaining
Rights for taking up Land

Whereas the rights which have been issued by the Receivers General of His Majesties Revenues for money paid into the Treasury of this Dominion during the seventeen years last past have not been hitherto under a proper Controul And whereas divers of His Majesties Subjects having occasion to take up Land are put to great Charge & trouble in travelling to the Receiver General to purchase Rights for that purpose or else are obliged to pay exorbitant rates to such as can Supply them near home For remedy whereof and to the end that branch of His Majesties Revenue may be more duly Audited and accounted for I have thought fit by & with the advice & Consent of His Maj^{ty}s Council to Issue this Proclamation Hereby declaring that all Treasury Rights heretofore granted by the Receiver General of His Majesties Revenues & which are still unsatisfied shall from hence forth be no longer Current so as to entitle any person or persons having the same to Claim any Grant of Land by Virtue thereof But that the owners of Such outstanding Treasury Rights may not loose by Stopping the Currency thereof I do further publish and declare that whoever shall bring any Such Rights to His Majesties Receiver General shall immediately upon delivery thereof receive (without paying any consideration fee or reward) an Equal number of new Rights in lieu thereof which I have for that purpose caused to be printed & issued And for the Conveniency of those who live remote from y^e Receiver Gen^l I have given directions for distributing wth all Convenient speed a Sufficient number of New Rights to be delivered out without fee or reward to such person or persons in their Respective Countys as shall yeild up their old Rights in exchange for the Same and in case any Rights Shall be delivered to the Surveyors

before y^e new Rights are distributed y^e Said Surveyors are to give receipts to y^e owners and to furnish them with new Rights as soon as they come to their hands And for easing his Majesties Subjects of the Inconveniency of travelling to purchase rights directly of y^e Receiver General I do hereby make known that I have with the advice afores^d given directions to the Receiver General to distribute from time to time a Sufficient number of Treasury Rights amongst y^e Surveyors of the Several Countys to be sold to Such as Shall have occasion for y^e Same at y^e rate of five Shillings English money or nineteen pennyweight of Spanish Silver for each right as has been Customary heretofore And for preventing any exaction on y^e people the Said Surveyors are Strictly prohibited to ask or demand any greater Consideration for furnishing the people wth Rights in their own Countys than after y^e rate of five per Cent which is judged a reasonable allowance to the Surveyors for their trouble & easier to the people than the Charge of travelling to purchase y^e same directly of the Receiver Generall reserving Still the liberty to Such as think fit to take rights of y^e Receiver General without paying any other Consideration than the five shillings english money or ninepenny weight Spanish Currency as aforesaid—And that all necessary dispatch may be used for the distributing the Said Rights for the Conveniency of Such of his Maj^{ties} Subjects as live remote I do hereby will & require the sev^l Surveyors wth all Convenient Speed to repair to the Sec^{rys} office at Williamsburgh there to receive the Said Rights and Such further Instructions as shall be necessary for his Maj^{ties} Service bringing wth them at y^e Same time such rights as they shall then have in their hand And I do hereby appoint this proclamation to be read & published at y^e Courthouses of y^e respective Countys in this Colony by the Sheriffs of y^e s^d Countys Given at y^e Council Chambers in Williamsburgh the 23^d day of Jan^{ry} 1716 [1716/17]

A Spotswood

God Save the King

Copia Test Edwin Thacker per C C Thacker Cl; Sec; Office

[C. O. 5, 1318, No. 40 (iv) (a)]

Virginia S^s

By His Majesties L^t Govern^r &
Commander in Chief of this Dominion

A Proclamation for prohibiting all unlawful trading and
Correspondence with the Tuscoruro Indians

Whereas that Peace and Tranquility which this Dominion hath for these three years last past enjoyned on its Frontiers is in danger of being interrupted by the evil practices of divers loose & disorderly persons who Contrary to the Laws in force carry on a Clandestine trade with the Tuscoruros and in order to ingratiate themselves with the said Indians and to promote that unlawfull Correspondence are justly Suspected to have encouraged the Said Indians together wth divers of the Senaquas nation to attack the Cattabaw and other western Indians on the 10th of last month while they were under

y^e protection of His Maj^{ties} Fort at Christanna to the great reproach of this Government and whereas Such practices cannot be prevented without a Strict execution of the Law and Inflicting exemplary punishment on the offenders I have therefore thought fit by and with the advice & Consent of His Maj^{ties} Council to issue this Proclamation Hereby Strictly prohibiting all His Majesties Subjects of this Colony (except such as are Authorised by Law) to trade with the Tuscoruro Indians either wthin or out of this Colony under pain of Suffering the penalty of three months imprisonment wthout bail or mainprize and such other forfeitures and Penaltys as by the Laws of this Dominion are Inflicted on such offenders And to the end the peace of the Governm^t may be the better preserved by those who may lawfully trade wth y^e Said Tuscoruros I do with the advice afores^d hereby require the Virginia Indian Company that they do not presume to Send out any Factors or Traders among the Tuscoruros untill upon their Signifying to me the names of the persons so Employed by them they Shall receive my approbation and for whose good Conduct & behaviour the s^d Company will be answerable And I do appoint this Proclamation to be read and published at the Court houses of the Respective Countys on the South side of James river and that the Sheriffs take care the same be published accordingly Given at the Council Chamber the 4th day of May 1717 in the third year of the reign of our Soverign Lord King George

A Spotswood

God Save the King

Copia Test Edwin Thacker per C C Thacker Cl; Sec; Office

[C. O. 5, 1318, No. 40 (iv) (b)]

By His Maj^{ties} L^t Govern^r & Command^r in
Chief of the Colony & Dominion of Virginia

A Proclamation giving further time for calling in &
Cancelling the old Treasury Rights

Whereas by Proclamation bearing date the 23^d Jan^{ry} 1716 [1716/17] I did by & with the Advice & Consent of the Council publish & declare that from thenceforth no Treasury Rights granted by the former Receivers of His Majesties Revenues and which were then unsatisfied Should thereafter be Current so as to entitle any person to claim any Grant of Land by Virtue thereof but that y^e owners of such outstanding Treasury Rights Should deliver up the Same to His Majesties Receiver Generall or to the Surveyors of the respective Countys and take out new Rights in lieu thereof which were thereby directed to be given them without Fee or reward notwthstanding whereof divers persons having the Said old Treasury R^{ts} in their hands have neglected to deliver & exchange the same imagining that they may hereafter have the S^d Rights allowed to pass whenever they have occasion to claim land by Virtue thereof for undeceiving Such Persons and for preventing the inconveniences which may arise to His Maj^{ties} Service by Suffering y^e said old Certificates of Rights to be obtruded on the Surveyors for y^e taking up of Land I have

thought fit by and with the advice of His Maj^{ty}s Council by this Proclamation to publish and declare that such old Treasury Rights as were issued at any time before the said 23^d Jan^{ry} 1716 [1716/17] and which Shall not be delivered up to the Receiver General or to the Surveyors of the Respective Countys and new Certificates taken out for the same before y^e last day of next October Gen^l Court Shall from thenceforth be utterly void neither shall it be permitted the said Receiver Gen^l or Surveyors thereafter to exchange the same on any pretence whatsoever of which all persons concerned are hereby required to take notice And that none may pretend ignorance herein I do appoint that this Proclamation be read & published at the Courthouses of y^e respective Countys and at all Churches & Chappells immediatly after divine Service and the Sheriffs of y^e said Countys are hereby required to cause the same to be read accordingly Given at y^e Council Chamber in Williamsburgh the 13th day of August 1717 in the fourth year of y^e Reign of our Sovereign Lord King George

A Spotswood

God Save the King

Copia Test Edwin Thacker per C C Thacker Cl; Sec; Office

[C. O. 5, 1318, No. 50 (ii^a)]

By His Majestys Lieut^t Governor & Commander in Chief of
the Colony and Dominion of Virginia

A Proclamation for publishing the Repeal of the Act of Assembly
for preventing frauds in Tobacco payments &c The Act
for continueing the said Act and also of the act for the
better regulation of the Indian Trade

Whereas all Laws Statutes and ordinances made and past in the General Assembly of this Dominion are according to the Constitution of this Government by His Majestys Letter patents under the Great Seal of Great Britain to be Transmitted to His Majesty for His Royal approbation or disallowance And Such of the said Laws Statutes and ordinances as shall thereupon be disallowed or disapproved and so Signified by His Majesty under his Sign Manual and Signett or by order in his privy Council are from thenceforth to cease determine and become utterly void. And Whereas His Majesty by advice of His privy Council hath been pleased to Signify his disapprobation and disallowance of one Act passed in the General Assembly of this Colony in the year 1713 Entituled an act for preventing frauds in Tobacco payments and of one other act passed in the year 1714 continueing the aforementioned Act to the tenth of November 1718 And also of one Act passed in the said year 1714 Entituled an act for the better Regulation of the Indian trade I do therefore in pursuance of His Majestys Royal Commands by this proclamation publish and declare that the said three Acts of Assembly are according to His Majestys pleasure Repealed & utterly void and of none effect And for the more Solemn Signification of His Majestys pleasure Herein I do appoint this proclamation to be read and published at

the Court houses of the Several Countys within this Dominion and the Sherifs are to take care y^e same be done accordingly Given at the Council Chamber at W^msburgh this 12th of Nov^r 1717 in the fourth year of His Majestys Reign

A Spotswood

God Save the King

[C. O. 5, 1318, No. 50 (ii b)]

By His Majestys L^t Governor & Commander in
Chief of the Colony & Dominion of Virginia

A Proclamation prohibiting trade with the French
Settlements in America

Whereas Complaints have been made to His Majesty of an Illegall Trade carryed on between His Majestys plantations and the French Settlements in America in breach of the Treaty of peace & neutrality in America concluded the 6/16 of November 1686 And Whereas His Majesty hath received advice from the Court of France that the Island of Martinico has lately revolted from the french Governm^t and His Majesty being desirous to prevent the giving any protection or assistance in or from any of His Majestys plantations to the persons concerned in the said Rebellion which might otherwise interrupt the Friendship and Amity subsisting between the Kingdoms of Great Britain & France and the good Correspondence which His Majesty is always desirous to maintain with the Regent of France And thereupon His Majesty haveing signified His pleasure to me to put a Stop to any Illegall Commerce which may be attempted to be carryed on from this Colony and more particularly to prevent giving any assistance to the Rebels of Martinico. I do therefore in obedience to His Majesty Commands hereby publish & make known that by the 5th & 6th articles of the aforementioned Treaty the Subjects Inhabitants &c of each Kingdom are prohibited to trade and fish in all places possessed or which shall be possessed by the other in America and if any Ships Shall be found tradeing contrary to the said treaty upon due proof, the said Ships shall be Confiscated and I do hereby strictly charge & require all y^e officers of His Majestys Custom's in this Colony to use their Utmost Endeavour to prevent all such Illegall tradeing either by any of His Majestys Ships of War or merchant Ships which may arrive within their Respective districts and in case any trade be attempted to be carryed on by any of the French Settlements in any port or district of this Colony that the said Officers take care the aforesaid treaty be put in due Execution And I do further require all His Majestys Subjects inhabiting this Colony that they do not presume to give any Aid protection or assistance to any of the persons concerned in the aforesaid Rebellion at Martinico as they will answer the contrary at their perill And I do appoint this proclamation to be read and published at the Court houses of the Severall Countys and that the Sheriffs take care the

same be done accordingly. Given at the Council Chamber in Williamsburgh this 12th day of November 1717 in the fourth year of the Reign of our Sovereign Lord King George

A Spotswood

God Save the King

[C. O. 5, 1318, No. 50 (iii a)]

By His Maj^{ty}s Lt Governour & Commander in Cheif
of the Colony and Dominion of Virginia

A Proclamation Prohibiting the Entertainment or harbouring
of Seamen deserting His Maj^{ty}s Ships of War

Whereas by one Act of Parliament made in the Sixth year of her late Maj^{ty}s Reign Entituled an Act for the encouragement of the Trade to America a penalty of twenty pounds is laid upon every Master of a Ship or Vessell in America for every man he Shall receive & entertain on board his Ship or vessell which hath deserted any Ship of Warr And by an Act of Assembly of this Colony made at the Capitol the 25th day of October 1710 Entituled an Act Prohibiting Seamen being harboured or entertained on Shoar a further penalty of 500£ of Tobacco is inflicted on any person who shall harbour entertain or conceal any Seamen except he be able to give a good account that he is about his lawfull business and the like penalty on every Constable who shall suffer a runaway Seaman Committed to his care to escape. And on the other hand a reward of Twenty Shillings is by the Same Act given to any person who shall take up a Runaway Seaman if above ten miles from the Ship to which he belongs and ten Shillings if under ten miles which rewards are to be paid to the taker up by the Naval Officer of the district where Such Ship rides upon producing a Certificate from a Justice of the peace in the Manner directed by the s^d Act. And a further reward of ten Shillings is also allowed to the Constable who shall deliver any Such Runaway on board the Ship to which he belongs if Conveyed above ten miles & five Shillings if ten miles or under to be paid in the Same manner upon a Certificate of the Commander of the Ship that the Seaman hath been so delivered And whereas diverse evil disposed persons do encourage the desertion of the Seamen belonging to His Maj^{ty}s Ships of Warr attending this Station by receiving harbouring and entertaining them in Contempt of the abovesaid Laws and to the Manifest prejudice of His Maj^{ty}s Service for preventing such pernicious practices for the future I have with the advice and consent of His Maj^{ty}s Council thought fitt to Issue this proclamation to the end none may pretend Ignorance of the penaltys Inflicted by Law for Entertaining and harbouring Such Runaway Seamen and that Such as shall Shew readiness to put the Laws in due execution against Such deserters may be informed of the rewards given for their encouragement I do hereby in His Maj^{ty}s Name require & Command all His Maj^{ty}s Officers Civil & Military and all other His Maj^{ty}s Subjects within this Colony to do their Utmost to put the aforesaid Act of

Assembly in Due Execution agst^t all deserters from His Maj^{ty}s Ships of warr as they will answer the contrary at their peril And to the end that Laws may be duly put in execution on all persons entertaining Such deserters I do hereby also require the deputy attorneys for the King in the Severall Countys to use their utmost diligence to detect and prosecute such persons as Shall any way offend in the premises Hereby Commanding the Sheriffs of the Several Countys to cause this proclamation to be read and published at the Courthouses of their Said Countys & thereafter to Transmitt the Same to the Next officer of the Customs to be by him Set up near to the places in his district where the Merchant Ships usually ride Given at the Councill Chamber in Williamsburgh the 13th day of November 1717 in the fourth year of the reign of our Sovereign Lord King George

A Spotswood

God Save the King

[C. O. 5, 1318, No. 50 (iii b)]

By His Maj^{ty}s L^t Governour & Commander in Cheif
of the Colony and Dominion of Virginia

A Proclamation for publishing the repeal of the Act of Assembly
past in 1663 Entituled an Act prohibiting the unlawfull
assembling of Quakers and of An Act Entituled
an Act concerning Foreign Debts

Whereas all Laws Statutes and ordinances made and past in the General Assembly of this Dominion are according to the constitution of this Government by His Maj^{ty}s Letters patents under the great Seal of great Britain to be Transmitted to His Maj^{ty} for his Royal approbation or disallowance and Such of the said Laws Statutes and ordinances as Shall be thereupon disallowed or disapproved and so Signified by His Maj^{ty} under His Sign Manual & Signett or by order in His privy Council are from thenceforth to cease determine and become utterly void And whereas His Maj^{ty} by advice of his privy Council hath been pleased to Signify His disapprobation and disallowance of one Act past in the year 1663 Entituled an Act prohibiting the unlawfull assembling of Quakers And of an other Act Entituled An Act concerning Foreign Debts I do therefore in pursuance of His Maj^{ty}s Royal Commands by this proclamation publish and declare that the s^d two Acts are according to His Maj^{ty}s pleasure repealed and utterly void and of none Effect And for the more Solemn Signification of His Maj^{ty}s pleasure herein I do appoint this proclamation to be read and published at the Courthouses of the Several Countys within this Dominion and the Sheriffs are to take care the Same be done accordingly Given at the Council Chamber at Williamsburgh this 14th day of May 1718 in the fourth year of His Ma^{ty}s Reign

A Spotswood

God Save the King

[C. O. 5, 1318, No. 50 (iii °)]

Virginia

By His Maj^{ty} L^t Governour & Commander
in Cheif of this DominionA Proclamation prohibiting the unlawfull concourse of such
persons as have been guilty of pyracý

Whereas diverse of the men who lately belonged to a Pirate Ship Castaway in the province of North Carolina haveing Surrendered themselves to the Governm^t there in order to be entituled to His Maj^{ty}s most gracious Pardon do resort to this Colony and instead of applying themselves to any lawfull business rove about the Country in great gangs with their Arms in a manner very unbecomeing persons who have received so great a Mark of His Maj^{ty}s Clemency And Whereas I am willing to give all due protection to Such of the said Pirates as detesting their former Abominable practices Shall timely lay hold of His Maj^{ty}s mercy and behave themselves as good Subjects for the future Nevertheless it being Necessary to prevent the dangers which may be occasioned to the Trade & Shipping of His Maj^{ty}s Subjects by too great a licence of such whose behaviour give just cause of Suspicion I have therefore thought fit by and with the advice of His Maj^{ty}s Council to Issue this Proclamation hereby in His Maj^{ty}s [name] Strictly requireing all persons who have been concerned in any pyracys and have or shall at any time hereafter come into this Colony that upon their first arrival in any part thereof they forthwith make themselves known to Some Justices of the peace or officer of the militia and deliver up their Arms and that they do not presume to Travel or associate together in any greater Numbers than three in one Company and to the end all unlawfull and riotus Concourse of Such persons may be prevented I do with the advice afores^d hereby Strictly Charge and require all His Maj^{ty}s Justices of the peace and other of His Maj^{ty}s officers Civil & Military within this Colony that upon notice of any such persons going armed or associating together in greater Numbers than is herein before allowed they forthwith cause all and every of them to be disarmed & dispersed and in case of their refusal to deliver up their Arms or Separate themselves as afores^d that they cause them to be apprehended and Committed to the Goal of the County where they shall be taken untill they give Sufficient Security for their good behaviour And I do hereby further Command all His Maj^{ty}s Subjects to be aiding and assisting for the more Effectuall puting this proclamation in Execution as they will answer the contrary at their peril and to the end none may pretend Ignorance hereof I do hereby appoint these presents to be read and published at all Churches Chappels & Court houses within this Colony and the Sheriffs of the respective Countys are required to take care the same be done accordingly Given at the Council Chamber in Williamsburgh this tenth day of July 1718 in the fourth year of His Maj^{ty}s Reign

A Spotswood

God Save the King

[C. O. 5, 1318, No. 50 (iii d)]

Virginia

By His Maj^{ts} L^t Governour and Commander
in Cheif of this Dominion

A Proclamation Proroguing the Gen^l Assembly

Whereas the General Assembly begun at His Maj^{ts} Royal Capitol the twenty third day of April 1718 Stands Prorogued to the seventh day of August next And whereas I have advised with His Maj^{ts} Council & find no urgent occasion for the said Assemblys meeting so soon I do therefore by virtue of the powers and authoritys derived to me by His Maj^{ts} Royal Commission by this Proclamation in His Maj^{ts} Name publish and declare that I have prorogued the said Assembly and It is hereby Prorogued to the Eleventh day of September next at which time I do require every respective member that they fail not to give their Attendance accordingly Given at the Council Chamber in Williamsburgh this thirtieth day of July 1718 in the fourth year of His Maj^{ts} Reign

A Spotswood

Ex^a

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